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**The Somerset Hills School District  
Regular Meeting Agenda - September 29, 2021  
Executive Session - 6:30 P.M.  
Public Input & Action - 7:30 P.M.  
Bernards High School Media Center**

**I. Call to Order & Welcome**

Welcome to a meeting of the Board of Education of Somerset Hills. Please be advised that this and all meetings of the Board are open to the public and media, consistent with the Open Public Meetings Act: (Chapter 231 Laws of 1975), and that advance notice required therein has been provided. This is a meeting of the Board of Education of Somerset Hills at which formal action may be taken. The public will have an opportunity to be heard as shown on the Agenda.

**II. Roll Call**

**III. Executive Session**

WHEREAS the “Open Public Meetings Act:” (Chapter 231 Laws of 1975) authorizes a public body to exclude the public from that portion of a meeting at which specified topics are to be discussed under circumstances where the public consideration of such topics will clearly endanger the public, or where the personal privacy or guaranteed rights of individuals whose activities or affairs are to be discussed would be clearly in danger of unwarranted invasions, and

WHEREAS the matters about to be presented for discussion clearly meet the “circumstances” test of such Act:

RESOLVED that the Board of Education of Somerset Hills now adjourns its public session to reconvene in Executive Session for the purpose of discussing the following: Personnel, Student Matters, Contracts, Negotiations and Litigation.

And, be it further,

RESOLVED that the discussion in Executive Session be disclosed when the Board’s consideration of the subject matter has been closed, or that such matter does not adversely affect the rights of prospective, current, or past public officers, or personnel of the Board, unless such individuals have in writing requested the disclosures of such discussion at a public meeting and provided such a public disclosure will no longer clearly endanger the public interest.

**IV. Pledge of Allegiance**

**V. Roll Call**

**VI. Correspondence**

**VII. Report of the Superintendent:**

1. Student Representatives’ Report
2. Staff Recognition - *NJ Council of Social Studies* recognizes Bedwell teacher Darcey Brooten as their *Elementary Teacher of the Year* - Mr. Michael Catelli, SHSD Social Studies Supervisor, and Mr. Hank Bitten, Executive Director of the NJ Council of Social Studies

**VIII. Public Comments for Actionable Agenda Items**

We very much welcome input from the public. Public comments are welcome at this time on any actionable agenda item. Towards the end of the meeting there is a second public forum on any topic. Please state your name and address. Comments are limited to three minutes, but an individual may speak a second time after all others who wish to speak on the topic have been heard. Please understand that our public forums are not structured as question and answer sessions, but are offered as opportunities to share your thoughts with the Board. In instances where the Board feels that there is a misunderstanding or inaccuracy, the Board President or Superintendent may address the comment. In accordance with New Jersey Statute, the Board will not discuss matters regarding specific personnel. Public Comments will be limited to 30 minutes. Thank you for your input.

**IX. Approval of Minutes\*****1. Approval of Minutes**

Resolved, that the Somerset Hills Board of Education approve the Public Input & Action and Executive meeting minutes for August 25, 2021. .

**X. FINANCE****A. Committee Report & Discussion:****B. Action Items:****1. Board Secretary & Treasurer Reports & Board Certification\***

WHEREAS, the Board Secretary has received the Reports of the Secretary and Treasurer for the month of July 2021 showing the following balances:

<b>FUND</b>	<b>Board Secretary Cash Balance (1)</b>	<b>Treasurer Cash Balance (2)</b>
(10) General Fund	\$9,746,418.69	\$9,746,418.69
(20) Special Revenue Fund	(\$116,106.89)	(\$116,106.89)
(30) Capital Projects Fund	\$371,191.25	\$371,191.25
(40)Debt Service Fund	(\$0.17)	(\$0.17)
Total Government Funds	\$10,001,502.88	\$10,001,502.88

**(1) From Secretary's Report (2) From Treasurer's Report**

WHEREAS in compliance with N.J.A.C.6A: 23-2.1(c)3 the secretary has certified that, as of the date of the report(s), no budgetary line item account has encumbrances and expenditures which in total exceed the amount appropriated by the district board of education, now, therefore, be it RESOLVED, the Board of Education accepts the above referenced report and certifications and orders that they be attached to and made part of the record of this meeting, and be it FURTHER RESOLVED, in compliance with N.J.A.C.6A: 23-3.11(c) 4, the Board of Education certifies that, after review of the secretary's monthly financial reports (appropriation section) and upon consultation with the appropriate district officials, to the best of its knowledge, no major account or fund has been overexpended in violation of N.J.A.C.6A: 23-2.11(b), and that sufficient funds are available to meet the district's financial obligations for the remainder of the year.

**2. Approve 2021-2022 Budget Transfers\***

Resolved that the Somerset Hills Board of Education approves the attached list of budget transfers for July 2021.

**3. Payment of Bills\***

WHEREAS, the Board Secretary has presented attached July 2021 check registers with the recommendation that the checks be paid, and Now, therefore, be it Resolved, that the following bills be paid and an itemized list be filed with the minutes of this meeting:

<b>FUND</b>	<b>Amount</b>
(10) General Fund	\$62,009.22
(20) Special Revenue Fund	--
(30) Capital Projects Fund	--
(40) Debt Service Fund	--
(60) Cafeteria Fund	--
(90) Agency Fund	--
<b>TOTAL</b>	\$62,009.22

4. Payment of Bills\*

WHEREAS, the Board Secretary has presented attached August 2021 check registers with the recommendation that the checks be paid, and Now, therefore, be it Resolved, that the following bills be paid and an itemized list be filed with the minutes of this meeting:

<b>FUND</b>	<b>Amount</b>
(10) General Fund	\$1,788,426.21
(20) Special Revenue Fund	\$92,114.84
(30) Capital Projects Fund	--
(40) Debt Service Fund	--
(60) Cafeteria Fund	\$5,564.30
(90) Agency Fund	\$235,093.99
<b>TOTAL</b>	\$2,121,199.34

5. Approve Parent Organization Fundraiser\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following parent organization fundraisers for the 2021-2022 school year:

	<b>Organization</b>	<b>School</b>	<b>Event</b>	<b>Date</b>
a	Football Club	BHS	Jersey Mike's Percentage of Sales	10/13/2021 - 10/17/2021
b	Boys Soccer	BHS	Collection at games to benefit Pediatric Cancer Awareness	09/18/2021 & 09/28/2021
c	Class of 2024	BHS	Bistro 73 Parent Luncheon	10/21/2021 & Feb 2022

6. Approve Special Education Schools\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following schools for the 2021-2022 school year and/or ESY:

	<b>Student ID#</b>	<b>Provider</b>	<b>Tuition</b>	<b>Location</b>
a	6704368293	Hunterdon Prep	\$48,465	Annandale, NJ

7. Approve Settlement Agreement

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the settlement agreements with respect to Student ID #2099599381, Docket #OAL-Docket No: EDS-04402-2021.

8. Approve YMCA Before/After Care Program

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the Before/After Care Program with the Somerset Hills YMCA for the 2021-2022 school year.

9. Approve Transportation Consultant Agreement\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the Transportation Consultant Agreement with Thomas DeAngelo for the 2021-2022 school year not to exceed \$15,000.

10. Approve Data Management Consultant Agreement\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the Data Management Consultant Agreement with Hands-On Tech, LLC for the 2021-2022 school year not to exceed \$15,000.

11. Approve Apex Physics Virtual Learning Agreement\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the virtual physics instruction with Apex Learning for the first marking period of 2021-2022 school year in the amount of \$10,500.

12. Approve American Rescue Plan - ESSER Grant\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, authorizes the submission and acceptance of the American Rescue Plan Act of 2021 (Elementary and Secondary Schools Emergency Relief Fund / ARP - ESSER) grant funding in the amount of \$736,199 for the grant period of 3/1/2021 - 9/30/2024.

13. Approve American Rescue Plan - IDEA Grant\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, authorizes the submission and acceptance of the American Rescue Plan Act of 2021 (Individuals with Disabilities Education Act and Preschool Individuals with Disabilities Education Act) as follows for the 2021-2022 school year.

ARP IDEA Basic Public:	\$ 99,863
ARP IDEA Preschool Public:	\$ 8,517
TOTAL	\$108,380

14. Approve Independent Auditor To Prepare A41,A42 and Resource Room Actual Costs Per Pupil\*

Resolved, that the Somerset Hills Board of Education approve Wiss, Co. as the independent auditor to prepare the A41, A42 and Resource Room Actual Costs Per Pupil from the 2020-2021 school year at a cost of \$7,500 to be shared with Bedminster Board of Education. The Somerset Hills Board of Education will be responsible for \$3,750.

15. Approve Parent Transportation Contract\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following Parent Transportation Contract for the 2021-2022 School Year.

Student ID#	School	Amount
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6674065186	Midland School	\$11,419.20
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16. Approve Special Education Provider\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following service providers for the 2021-2022 school year and extended school year:

Provider	Service	Location	Rate
Therapy Travelers	All Services	El Segundo, CA	\$89 - \$133.5/hr

17. Approve 2021-22 Non-Public Aid Programs\*

Resolved, that the Somerset Hills Board of Education approve the Non-Public Aid Program orders for the following schools:

	School	Program	Description	Total
a	School of St. Elizabeth	Technology Aid	Chromebooks, Google Education Upgrade Management	\$3,945.00

## XI. FACILITIES & OPERATIONS

A. Committee Report & Discussion:

B. Action Items:

1. HIB Report

Resolved, that the Somerset Hills Board of Education reviewed the Harassment, Intimidation, and Bullying cases presented on August 25, 2021, and upheld the findings and/or consequences recommended by the Superintendent.

- BMS 2020-2021 #15

## XII. CURRICULUM

A. Committee Report & Discussion:

B. Action Items:

1. Approve Additional Summer Curriculum\*

Resolved that the Somerset Hills Board of Education approve the following teachers and days for the 2021 summer curriculum projects in order to improve documents to meet New Jersey Standards and course requirements. As per SHEA contract, 1 day is defined as 5 hours of work at \$40/hour.

	Course	Project	Days	Writer(s)
a	BHS Physics NL, A & H	NJSLS-S Updates 2020	1 for each course	Ferrara, James

2. Approve Additional Summer Support\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following staff:

	<b>Name</b>	<b>Position</b>	<b>Effective</b>	<b>Hourly Rate</b>	<b>Program Rate</b>
a	Boyce, Nicole	Bilingual Math Support	Aug 16 - Aug 26, 2021	\$47.05	\$1,317.40
b	Garay, Janet	Bilingual Math Support	Aug 16 - Aug 26, 2021	\$59.05	\$1,653.40

### 3. Approve Field Trips

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following field trips:

	<b>School</b>	<b>Trip</b>	<b># of Students</b>	<b># of Faculty</b>	<b># of Chaperones</b>
a	BMS	Robotics Club Lego League Regional Competition: TBD	10	2	0
b	BMS	STEAM Tank Groups Finals: Virtual	8	1	0

### 4. Approve Field Trips\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following field trips:

	<b>School</b>	<b>Trip</b>	<b># of Students</b>	<b># of Faculty</b>	<b># of Chaperones</b>
a	BHS	Madrigals Performance Outreach & Service: Bernardsville Library, Roxiticus CC, Mendham, & Center for Hope Hospice, Scotch Plains	22	1	1
b	BHS	Madrigals Performance: United Reformed Church, Somerville	22	1	1

### 5. Approve Professional Development

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following professional development for the 2021-2022 school year:

	<b>School</b>	<b>Name</b>	<b>Workshop/Conference</b>	<b>Date</b>	<b>Est. Cost</b>
a	BES	Gelsinger, Allison	TCRWP-Small Group Work that Accelerates Readers & Writers Progress	10/18	\$50
b	BES	Grau, Jianna	TCRWP-Supporting Multilingual Learners	10/06	\$50
c	BES	Kleinstein, Mary	TCRWP- Foundational Skills: Phonemic Awareness	09/29	\$50
d	BES	Phelan, Amy	MUJC Elementary Principals Meetings	11/10, 01/05 & 03/23	\$0
e	BES	Rokosky, Debbie	TCRWP- Tapping into Power of Decodable Texts, Leveled Texts, Browseable Non-Fiction & Wordless Picture Books	12/10	\$50
f	BES	Jablonski, Holly	TCRWP-Creating an Inclusive Reading Workshop that Affirms Multilingualism	10/19	\$50
g	BMS	Craver, Marcella	Understanding Yoga: From Neuroscience to Practice	10/21	\$84.95
h	BMS	Gori (Clark), Michelle	International Dyslexia Association Fall Conference	10/1-10/2	\$150

i	BMS	Tlack, Laila	TCRWP-A Day to Rethink Argument Writing	11/16	\$50
j	BMS	McMillan, Patricia	TCRWP-Making Connections & Weaving New Texts into Two Essential Units	10/01	\$50
k	BMS	Azevedo, Melanie	Supporting Kids with IEPs: Get a Head Start on this All Important Work	09/29	\$0
l	BMS	Gutkin, Melissa	TCRWP-Making Higher Level Reading Skills Accessible in Fantasy: Bringing that into Lit Essay	11/15	\$50
m	BMS	McGovern, Danielle	TCRWP-Maximizing the Power (and Fresh Takes) of two Critical Units: Lit Non-Fiction & Position Papers	10/29	\$50
n	BMS	Tchorz, Valerie	TCRWP-Critical Literacy Clubs: An Immersion in the Unit of Study & How to Carry These Practices Across the Year	10/04	\$50

6. Approve Professional Development\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following professional development for the 2021-2022 school year:

	School	Name	Workshop/Conference	Date	Est. Cost
a	District	Barna, Lindsay	NJPSA / FEA Legal One Hot Issues in School Law	10/06	\$150
b	BHS	Hart, Amy	MUJC SubCommittee Meetings	10/26, 01/11, 03/22 & 05/17	\$0
c	BHS	Hoppe, Michael	Athletic Director Meetings	08/25, 09/21, 09/25, 10/16, 10/19, 10/20, 10/21, 11/16, 11/17, 12/14 12/15, 01/12, 01/19, 02/16, 03/23, 03/25, 04/20, 04/13, 05/18 & 06/15	\$224.35
d	District	LaBruno, Wendi	MUJC Transition SubCommittee Meetings	10/25, 01/10, 03/21 & 05/16	\$46.76
e	District	Lucas, Douglas	Indoor Air Quality Training, Integrated Pest Control	2/11 & 4/22	\$0
f	District	Lucas, Douglas	NJSBGA School District Operations	09/21	\$21.08
g	District	Walker, Jaime	Legal One: HIB Law Update	10/05	\$0
h	District	Butler, Coleen	NJPSA - Leadership Academy	12/13, 1/18, 02/08 & 03/30	\$450
i	District	Dempsey, Gretchen	NJPSA - Leadership Academy	12/13, 1/18, 02/08 & 03/30	\$450
j	District	DeMarco, Jinnee	SCASBO Business Administrator Meetings	9/24, 10/22, 11/19, 12/17, 1/21, 2/25, 3/25, 4/22, 5/20, 6/17	\$0



**XIII. PERSONNEL**

- A. Committee Report and Discussion.  
 B. Action Items:

1. Amend Approval Appointment Non-Tenured Certificated Staff\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the approval of the following non-tenured certificated staff for the 2021-2022 school year, *subject to further investigation pursuant to law*:

	Name	School	Position	Replace	Level	Step	Salary	Effective
a	Medina, Maria Pilar	BHS	ESL Teacher	9242	BA MA	4-5	\$62,205 <del>\$67,205</del>	09/01/2021 <i>Pending Clearance</i>

2. Amend Approval Overloads\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the approval of the following overloads for the 2021-2022 school year: BHS

	Course	Teacher	Term	Salary	OVERLOAD Salary <i>prorated</i>
a	English	O'Brien, Janice	S1	\$111,242	\$9,272.02
b	Math	Camuto, Lisa	S1	\$76,030	\$6,337.10
c	Science - Biology	Silva, Karen	FY	\$112,242	\$18,710.74
d	Science - Biology	Mase, Arlen	FY	\$62,205	\$4,147.83
e	Science - Physics	Wagner, Alyssa	MP2 - MP4	\$74,260	\$1,856.87
f	Science - Chemistry	Mathus, Peter	FY	\$66,300	\$2,210.44
g	Financial Literacy	Murphy, Theresa	FY	\$76,030	\$5,069.68
h	Special Education	Fresco, Angela	FY	\$111,242	\$18,544.04
i	Special Education	Snyder, Allison	FY	\$86,030	\$14,341.20
j	French	DeAngelo, Stephanie	FY	\$81,605	\$13,603.55

3. Approve Overloads\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following overloads for the 2021-2022 school year: BHS

	Course	Teacher	Term	Salary	OVERLOAD Salary <i>prorated</i>
a	Physics	Szakiel, Przemysław	MP1	\$101,150	\$3,372.34
b	Physics	Ferrara, James	MP1	\$111,242	\$7,417.62
c	Environmental Science	Young, Joseph	MP1	\$69,260	\$2,886.41



4. Accept Resignation

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, accept the resignation of the following employees:

	Name	School	Position	Effective
a	Helriegel, Athena	BMS	Full Time Paraprofessional	10/31/2021

5. Approve Family Medical Leave

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following Family Medical Leave of Absence dates for the 2021-2022 School Years:

	ID	School	Position	Dates for Accumulated Sick Leave	Dates for FMLA (Unpaid with Benefits)
a	8857	BES	Teacher MA	Nov 29, 2021 - Jan 31, 2022	Feb 1 - April 29, 2022

6. Approve Family Medical Leave\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following Family Medical Leave of Absence dates for the 2021-2022 School Years:

	ID	School	Position	Dates for Accumulated Sick Leave	Dates for FMLA (Unpaid with Benefits)
a	8739	BHS	Teacher MA	Mar 7 - Apr 8, 2022	Apr 18 - June 30, 2022

7. Approve Unpaid Absences

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following unpaid absences for the 2021-2022 school year:

	Name	School	Position	# of Requested Days	Dates
a	Westfall, Sarah	BES	Teacher BA	2	November 3 & 8, 2021

8. Approve Transfer\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following transfer for the 2021-2022 school year.

	Name	Position	From	To	Effective
a	Duchantier, Cynthia	Confidential Secretary to the Superintendent	Office of Superintendent	Office of Assistant Superintendent	9/30/21 <i>Pending Clearance of 9.a</i>

9. Approve Appointment Non - Certified Staff\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent approve the appointment of the following non-certified staff for the 2021-2022 school year:

	Name	School	Position	Replace	Step	Salary	Effective
a	Massato, Corey	District	Confidential Secretary to the Superintendent	9732	N/A	\$64,500 <i>(prorated)</i>	9/30/21 <i>Pending Clearance</i>

b	Machado, Bryan	District	Technician	9215	3	\$53,460 (prorated)	10/14/21 or sooner Pending Clearance
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10. Approve Appointment Part-Time Regular Education Paraprofessional

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the appointment of the following Part-Time Paraprofessional for the 2021-2022 school year *subject to further investigation pursuant to law*:

	Name	Replace	Position	Step	Hourly	Effective
a	James, Sharon	9800	Para-Reg Ed B Hourly	1	\$17.34	Pending Clearance
b	Garrigan, Lois	3930	Para-Reg Ed B Hourly	1	\$17.34	Pending Clearance

11. Amend Approval Mentors\*

Resolved, that the Somerset Hills Board of Education amends the approval of the following mentors for the 2021-2022 Provisional Teacher Program to be paid at the rate of ~~\$550~~ \$1,000 for the year (prorated):

- Jeannette Bracero - Mentor for Jared Ciocco
- Marianne Fitzgerald - Mentor for Alex Andino

12. Approve Mentors

Resolved, that the Somerset Hills Board of Education approve the following mentors for the 2021-2022 Provisional Teacher Program to be paid at the rate of \$550 for the year (prorated):

- Courtney McGovern - Mentor for Patricia Kupper
- Jaimie Heydt - Mentor for Laila Tlack

13. Approve Mentor\*

Resolved, that the Somerset Hills Board of Education approve the following mentors for the 2021-2022 Provisional Teacher Program to be paid at the rate of \$1,000 for the year (prorated):

- Janet Garay - a mentor for Pilar Medina

14. Approve Internship\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following internship for the 2021-2022 school year:

	Intern	School	Mentor	Date
a	Hoppe, Michael	District	Dr. Coleen Butler	Sept 2021 - Jan 2022

15. Approve Substitutes\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following substitutes for the 2021-2022 school year *subject to further investigation pursuant to law*:

	Last Name	First Name	Substitute Position	Certification	Effective
a	Haney	Jacob L.	Teacher/Paraprofessional	Teaching Certification (Standard)	09/01/2021
b	Kidhuan	Danai	Custodial	N/A	09/07/2021

c	Kidhuan	Yothaka	Custodial	N/A	09/14/2021
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16. Approve Co-Curricular and Athletic Positions\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following BHS co-curricular and athletic stipends for the 2021-2022 school year:

	Last Name	First Name	BHS Co-Curricular Position	Stipend
a	Sina	Jaren	Basketball: Men's Head	\$9,500

17. Approve Athletic/Co-Curricular Volunteers\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following volunteers for the 2021- 2022 school year:

	Last Name	First Name	Season	Position
a	Witty	Dean	Winter	Volunteer Fencing

18. Approve Municipal Alliance Funded Co-Curricular Positions

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following co-curricular positions for the 2021-2022 school year:

	Last Name	First Name	School	Co-Curricular Position	Stipend
a	DeRoberts	Theresa	BES	B-Well Girls Program	\$59.11/hour
b	Jablonski	Holly	BES	B-Well Girls Program	\$59.11/hour
c	Klebaaur	Grace	BES	B-Well Girls Program	\$59.11/hour
d	Och	Laurie	BES	B-Well Girls Program	\$59.11/hour
e	O'Day	Lauren	BES	B-Well Girls Program	\$59.11/hour
f	Pike	Emily	BES	B-Well Girls Program	\$59.11/hour

19. Approve Transportation Driver Rate Increase\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the transportation driver rate increase for the 2021-2022 school year (*effective October 1, 2021*):

	Last Name	First Name	Job Title	\$ Hourly Rate
a	Aiello	Andrew	Transportation Driver	\$32.00/hr
b	Bartow	Lillian	Transportation Driver	\$32.00/hr
c	Gamarra	Marianella	Transportation Driver	\$32.00/hr
d	Godard	Sterne	Transportation Driver	\$32.00/hr
e	Grasso	Loriann	Transportation Driver	\$32.00/hr
f	Milford	Marlene	Transportation Driver	\$32.00/hr
g	Miller	Traci	Transportation Driver	\$32.00/hr
h	Paltan	Monika	Transportation Driver	\$32.00/hr

20. Approve Transportation Driver Substitute Pay Rate Increase\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the transportation driver substitute rate increase for the 2021-2022 school year (*effective October 1, 2021*):

	<b>Position</b>	<b>Pay Rate</b>
a	Transportation Driver Substitute	\$32.00/hr

**XIV. POLICY**

A. Committee Report and Discussion.

B. Action Items:

1. First Reading\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the first reading of the following bylaw, policy & regulation:

<b>Policy / Regulation #</b>	<b>Title</b>
P0131	Bylaws, Policies, and Regulations (Revised)
P3142 & R3142	Nonrenewal of Nontenured Teaching Staff Member (Revised)
P3221 & R3221	Evaluation of Teachers (M) (Revised)
P3222 & R3222	Evaluation of Teaching Staff Members, Excluding Teachers and Administrators (M) (Revised)
P3223 & R3223	Evaluation of Principals, Vice Principals, and Assistant Principals (M) (Revised)
P4146 & R4146	Nonrenewal of Nontenured Support Staff Member (Revised)
P6471 & R6471	School District Travel (M) (Revised)

2. Second Reading\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the second reading of the following bylaw, policy & regulation:

<b>Policy / Regulation #</b>	<b>Title</b>
P5111	Eligibility of Resident/Nonresident Students (M) (Revised)
P5114	Children Displaced by Domestic Violence (Abolished)
P8810	Religious Holidays (Abolished)
P6115.01	Federal Awards/Funds Internal Controls - Allowability of Costs (M) (New)
P6115.02	Federal Awards/Funds Internal Controls - Mandatory Disclosures (M) (New)
P6115.03	Federal Awards/Funds Internal Controls - Conflict of Interest (M) (New)
P6311	Contracts for Goods or Services Funded by Federal Grants (M) (Revised)
P1648	Restart and Recovery Plan (M) (Abolished)

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P1648.02	Remote Learning Options for Families (M) (Abolished)
P1648.03	Restart and Recovery Plan - Full-Time Remote Instruction (M) (Abolished)
P1648.11	The Road Forward COVID-19 - Health and Safety (M) (New)

**XV. COMMUNITY RELATIONS**

A. Committee Report & Discussion:

**XVI. SUPPLEMENTARY MATTERS****XVII. PUBLIC COMMENTS**

Public comments are welcome at this time on any topic. Public Comments will be limited to 3 minutes. Please state your name and address. Thank you for your input.

**XVIII. ADJOURNMENT**

**\*Note: The areas of permitted voting for the Bedminster district representative of the Board of Education are: (a) Tuition to be charged the sending district by the receiving district and the bill lists or contracts for the purchase, operation or maintenance of facilities, equipment and instructional materials to be used in the education of the pupils of the sending district; (b) New capital construction to be utilized by sending district pupils; (c) Appointment, transfer or removal of teaching staff members providing services to pupils of the sending district, including any teaching staff member who is a member of the receiving district's central administrative staff; (d) Addition or deletion of curricular and extracurricular programs involving pupils of the sending district; (e) Any matter directly involving the sending district pupils or programs and services utilized by those pupils; (f) Approval of the annual receiving district budget; (g) Any collectively negotiated agreement involving employees who provide services utilized by sending district pupils; (h) Any individual employee contracts not covered by a collectively negotiated agreement, if those employees provide or oversee programs or services utilized by sending district pupils; and (i) Any matter concerning governance of the receiving district board of education including, but not limited to, the selection of the board president or vice-president, approval of board bylaws, and the employment of professionals or consultants such as attorneys, architects, engineers, or others who provide services to the receiving district board of education.**

**(cf: P.L.1996, c.103, s.1)**

**Somerset Hills School District**

**September 29, 2021**

**ADDENDUM**

**VI. CORRESPONDENCE**

Email from Declan O'Dea regarding the proposal for a Safe Student Walkway to Bernardsville Center.

Email from Michele Smith regarding diversity and inclusion in middle and high school curriculum.

**X. FINANCE**

18. Approve 2021-2022 Nonpublic School Nursing Agreement\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, through contract with the Educational Services Commission of New Jersey, authorized the administrative personnel of the Commission to conference, discuss and solicit input in the development of the nursing services contract document for the 2021-2022 school year which provides nursing services to the following nonpublic schools located in the Somerset Hills school district:

- Far Hills Country Day School
- School of St. Elizabeth

**XI. FACILITIES & OPERATIONS**

2. Waiver Application for Insurance Requirement - Parent Transportation Contracts

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the submission to the New Jersey Department of Education of the waiver regarding NJAC 6A:27-1.7 requiring parents/guardians to carry a \$1 million combined single limit liability policy if they choose to transport their child/children to school. The waiver is to request to reduce the required liability coverage to the State statutory minimum of \$15,000.

**XII. CURRICULUM**

4. Approve Field Trips\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following field trips:

	School	Trip	# of Students	# of Faculty	# of Chaperones
c	BHS	Community Based Instruction: Shop-Rite, Bernardsville (Stars Program)	6	3	0
d	BHS	Community Based Instruction: Peapack Gladstone Bank, Bernardsville (Stars Program)	6	3	0

**Somerset Hills School District****September 29, 2021****ADDENDUM**

e	BHS	Community Based Instruction: AVN Rummage Sale & Butlers Pantry, Far Hills (Stars Program)	6	3	0
f	BHS	Community Based Instruction: Bernards Cafe, Bernardsville (Stars Program)	6	3	0
g	BHS	Community Based Instruction: 5 Below & Panera, Raritan & Somerville (Stars Program)	6	3	0

**5. Approve Professional Development**

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following professional development for the 2021-2022 school year:

	School	Name	Workshop/Conference	Date	Est. Cost
o	BES	Strohman, Elizabeth	NJSHA Fall 2021 Conference: SUGAR Language Sample Analysis for Eligibility & Progress Monitoring	10/23	\$200

**6. Approve Professional Development\***

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following professional development for the 2021-2022 school year:

	School	Name	Workshop/Conference	Date	Est. Cost
k	District	Koransky, Jamie	MUJC Director Meetings	9/17, 10/22, 11/19, 12/17, 1/7, 2/11, 3/25, 5/13, 6/10	\$0
l	District	Koransky, Jamie	SCADSS Director Meetings	09/17, 10/22, 11/19, 12/17, 01/21, 02/11, 03/18, 04/08, 05/20, 06/17	\$0
m	District	Lucas, Doug	NJBGA Northwest Chapter Meeting	10/20/2021	\$0

**7. Approve 2021-2022 District Wellness Policy Coordinator\***

Resolved, that the Somerset Hills Board of Education approve the following District Wellness Policy Coordinator for 2021-2022:

- Jinnee DeMarco

**XIII. PERSONNEL****2. Amend Approval Overloads\***

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the approval of the following overloads for the 2021-2022 school year: BHS

	Course	Teacher	Term	Salary	OVERLOAD Salary <i>prorated</i>
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**Somerset Hills School District**

**September 29, 2021**

**ADDENDUM**

e	Science - Physics	Wagner, Alyssa	MP2 - MP4	\$74,260	<del>\$1,856.87</del> \$3,713.74
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10. Amend Approval Part-Time Regular Education Paraprofessional

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the approval of the appointment of the following Part-Time Paraprofessionals for the 2021-2022 school year *subject to further investigation pursuant to law*:

	Name	Replace	Position	Step	Hourly	Effective
a	James, Sharon	9800	Para-Reg Ed B Hourly	1	<del>\$17.34</del> \$16.34	<i>Pending Clearance</i>
b	Garrigan, Lois	3930	Para-Reg Ed B Hourly	1	<del>\$17.34</del> \$16.34	<i>Pending Clearance</i>

15. Approve Substitutes\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following substitutes for the 2021-2022 school year *subject to further investigation pursuant to law*:

	Last Name	First Name	Substitute Position	Certification	Effective
d	Byrnes	Amy C.	Teacher/Paraprofessional	Teaching Certification (Standard)	<i>Pending Clearance</i>
e	Seylaz	Kelly	Teacher /Paraprofessional	County Substitute Certification	<i>Pending Clearance</i>
f	DeAngelo	Thomas	Bus Driver	CDL	<i>Pending Clearance</i>
g	McLaughlin	Jennifer	Bus Driver	CDL	<i>Pending Clearance</i>

16. Approve Co-Curricular and Athletic Positions\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following BHS co-curricular and athletic stipends for the 2021-2022 school year:

	Last Name	First Name	BHS Co-Curricular Position	Stipend
b	Pietroluongo	Jade	Drama: Fall Assistant Director	\$2,000

17. Approve Athletic/Co-Curricular Volunteers\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following volunteers for the 2021- 2022 school year:

	Last Name	First Name	Season	Position	Effective
b	Kulcsar	Christopher	Fall	Volunteer Football	<i>Pending Clearance</i>

21. Accept Retirement\*

**Somerset Hills School District**

**September 29, 2021**

**ADDENDUM**

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the retirement of the following Employee:

	<b>Name</b>	<b>School</b>	<b>Position</b>	<b>Effective</b>
a	Mastrobuoni, Theresa	District	Paraprofessional	10/28/2021

22. Approve Appointment Full-Time Special Education Paraprofessional\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the appointment of the following Full-Time Paraprofessional for the 2021-2022 school year *subject to further investigation pursuant to law*:

	<b>Name</b>	<b>Replace</b>	<b>Position</b>	<b>Step</b>	<b>Hourly</b>	<b>Effective</b>
a	O'Reilly, Brendan	9531	Para-Spec Ed B Hourly	1	\$17.34	<i>Pending Clearance</i>

23. Amend Approval BHS Co-Curricular Position\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the approval of the following BHS co-curricular stipend for the 2021-2022 school year, *subject to further investigation pursuant to law*:

	<b>Last Name</b>	<b>First Name</b>	<b>Position</b>	<b>Stipend</b>	<b>Effective</b>
a	Steffani	<del>Paul</del> Phillip	Vocal Music Accompanist	\$4,000	<i>Pending Clearance</i>

24. Approve BMS Co-Curricular Position

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following BMS co-curricular stipend for the 2021-2022 school year, *subject to further investigation pursuant to law*:

	<b>Last Name</b>	<b>First Name</b>	<b>Position</b>	<b>Stipend</b>	<b>Effective</b>
a	Steffani	Phillip	Vocal Music Accompanist	\$1,289	<i>Pending Clearance</i>

# BYLAW GUIDE

BYLAWS  
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Bylaws, ~~and Policies,~~ **and Regulations**  
May 21

[See **POLICY ALERT No. 223**]

## 0131 BYLAWS, ~~AND~~ POLICIES, AND REGULATIONS

The Board of Education shall exercise its rule-making power by adopting, **revising, and abolishing** bylaws, ~~and policies,~~ **and regulations** for the organization and operation of the school district.

**“Regulations” for the purpose of this Bylaw are only those regulations that are required to be adopted by the Board.**

Adoption, Amendment, and **Abolishment** ~~Repeal~~

Bylaws, ~~and policies,~~ **and regulations** may be adopted, **and revised** ~~amended,~~ ~~and repealed~~ at any meeting of the Board, provided the proposed adoption, **or revision** ~~amendment, or repeal~~ has been ~~proposed and approved by the Board~~ at a previous meeting of the Board.

**Bylaws, policies, or regulations may be abolished at any meeting of the Board without the proposed abolishing of the proposed bylaw, policy, or regulation being approved by the Board at a previous meeting of the Board.**

~~Optional~~

{The Board ~~shall may~~ at its organization meeting **or annually at a meeting of the Board** and by a majority vote of those present and voting, readopt existing bylaws, ~~and policies,~~ **and regulations** without prior notice.}



# BYLAW GUIDE

BYLAWS

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Bylaws, ~~and~~ Policies, **and Regulations**

The Board may, under emergency circumstances, suspend the operation of a bylaw, ~~or~~ policy, **or regulation** and adopt, **revise** ~~amend~~, or **abolish** ~~repeal~~ a bylaw, ~~or~~ policy, **or regulation** without prior notice. The emergency adoption, **revision** ~~amendment~~, or **abolishment** ~~repeal~~ of a bylaw, ~~or~~ policy, **or regulation** shall terminate at the next meeting of the Board or at such earlier date as may be specified by the Board unless further acted upon by the Board **in accordance with this Bylaw**.

The adoption, **revision** ~~amendment~~, **abolishment** ~~repeal~~, or suspension of a bylaw, ~~or~~ policy, **or regulation** shall be recorded in the minutes of the Board. Any **bylaw**, policy, **or regulation** or part of a **bylaw**, policy, **or regulation** that is superseded by a term in a negotiated agreement or by a subsequently adopted **bylaw**, policy, **or regulation** shall no longer be in force and effect as a **bylaw**, policy, **or regulation** and shall be **abolished by the Board in accordance with this Bylaw**.

## Promulgation and Distribution

~~A~~ **The** manual of bylaws, ~~and~~ policies, **and regulations** shall be maintained. A copy of the manual of bylaws, ~~and~~ policies, **and regulations** shall be **available and accessible** ~~given~~ to each Board member, the Superintendent, the **School Business Administrator**/Board Secretary, the Board Attorney, each Building Principal, and other individuals designated by the Superintendent.

The **Superintendent** \_\_\_\_\_ shall institute a plan for the orderly promulgation of policies to staff members who are affected by them and shall provide staff members with access to an up-to-date manual of Board bylaws, ~~and~~ policies, **and regulations**.

~~Each copy of the manual of bylaws and policies shall be numbered; a record of the placement of each manual shall be maintained by the \_\_\_\_\_. Copies of revised pages will be furnished to the holders of manuals as changes are made to bylaws and policies. The holder of a policy manual shall return the manual to the Board Secretary upon the termination of his/her service to the district.~~

The manual of bylaws, ~~and~~ policies, **and regulations** shall be considered a public record open to inspection in the office of the Superintendent. The manual retained by the Superintendent shall be considered the master copy of the ~~policy~~ manual ~~and shall not be modified by any person other than the \_\_\_\_\_ or his/her designee.~~



# BYLAW GUIDE

BYLAWS

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Bylaws, ~~and~~ Policies, ~~and~~ Regulations

## **Consideration ~~Development~~ of Bylaws, ~~and~~ Policies, ~~and~~ Regulations**

Bylaws, ~~and~~ policies, ~~and~~ regulations will be ~~developed~~ and considered for adoption by the Board in accordance with the following procedure:

1. A **recommendation for a new or revised bylaw, ~~or~~ policy, or regulation shall** may be **recommended** suggested to the Board **and/or Superintendent** by ~~any Board member, the Superintendent, any staff member, or a member of the public;~~
2. A **recommendation** ~~suggestion~~ for a new or revised bylaw, ~~or~~ policy, **or regulation** may be referred, at the discretion of the **Board** President and as appropriate to the subject, to the Superintendent, a Board committee, or a public advisory committee for study and formulation of a recommendation to the Board. Any study of a **new or revised recommended bylaw, policy, or regulation suggestion will** should consider whether the matter is adequately addressed in existing Board **bylaw, policy, or regulation** and ~~whether the matter is more appropriately addressed by administrative regulation;~~
3. If a recommendation for a new or revised bylaw, ~~or~~ policy, **or regulation** results from referral for study, a proposed draft will be **referred to the Superintendent and at the discretion of the Board President and as appropriate to the subject, to a Board committee** submitted to the Board for discussion and approval on first reading. ~~Copies of the proposed draft will be made available to staff members and the public, and comment will be invited. Changes in the draft may be made, by a simple majority vote, when the draft is presented for approval on first reading;~~
4. All proposed new and revised bylaws, policies, and regulations shall be submitted to the Superintendent. The Superintendent or designee will review all new and revised draft bylaws, policies, and regulations prior to the Board receiving a draft of new or revised bylaws, policies, or regulations for Board consideration;



# BYLAW GUIDE

BYLAWS

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Bylaws, ~~and~~ Policies, **and Regulations**

54. The proposed draft, **bylaw, policy, or regulation** approved by the **Board** on first reading, will be submitted for adoption at ~~a the next succeeding regular~~ meeting of the Board. **Revisions** ~~Changes~~ in the draft may be made **at any meeting prior to adoption** by a simple majority vote **of the Board**. A **revision at any succeeding meeting** ~~change~~ that alters the substantive meaning of the draft will constitute a new first reading, and the draft must be presented for adoption at ~~a the next~~ succeeding Board meeting. A change that is merely editorial may be followed by a vote to adopt the new or revised bylaw, ~~or~~ policy, **or regulation** on second reading.

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

Adopted:



# POLICY GUIDE

## TEACHING STAFF MEMBERS

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Nonrenewal of Nontenured Teaching Staff Member

May 21

[See **POLICY ALERT Nos. 166, 175, 201 and 223**]

### 3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

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

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

**On or before May 15 of each year, each nontenured teaching staff member continuously employed by a Board of Education since the preceding September 30 shall receive a written notice from the Superintendent that such employment will not be offered if the Superintendent recommends the nontenured teaching staff member not be renewed. The Superintendent shall notify each nontenured teaching staff member to whom reemployment will not be offered of such nonrenewal in writing on or before May 15. Any nontenured teaching staff member receiving who received written notice that a teaching contract for the succeeding school year will not be offered may, within fifteen calendar days of receiving such notification thereafter, request in writing**





# POLICY GUIDE

## TEACHING STAFF MEMBERS

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### Nonrenewal of Nontenured Teaching Staff Member

a statement of the reasons for ~~nonrenewal~~ **such non-employment which shall be given to the nontenured staff member in writing within thirty calendar days after the receipt of such request** ~~The Superintendent will provide a written statement of reasons within thirty days after the receipt of any such request.~~

Whenever the nontenured teaching staff member has requested in writing and received a written statement of reasons for non-reemployment **pursuant to N.J.S.A. 18A:27-3.2**, the nontenured teaching staff member **may request in writing** ~~shall have the right to~~ an informal appearance before the Board. **The written request shall be submitted to the Board within ten calendar days of the nontenured teaching staff member's receipt of the Board's statement of reasons. The informal appearance shall be scheduled within thirty calendar days from the nontenured teaching staff member's receipt of the Board's statement of reasons to permit the staff member an opportunity to convince the members of the Board to offer reemployment. The staff member must request the appearance before the Board within ten calendar days of the nontenured teaching staff member's receipt of the statement of reasons. The informal appearance before the Board shall be held in accordance with the provisions of N.J.A.C. 6A:10-8.1.**

The Board is not required to offer reemployment or vote on reemployment after an informal appearance with a nontenured teaching staff member who was not recommended for reemployment by the Superintendent. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured teaching staff member reemployment after the informal appearance before the Board. **Within three working days following the informal appearance, the Board shall notify the affected nontenured teaching staff member, in writing, of its final determination** ~~The nontenured teaching staff member will be notified of the Board's final determination within three days following the informal appearance before the Board.~~

N.J.S.A. 18A:27-3.1; 18A:27-3.2; 18A:27-4.1; 18A:27-10 et seq.  
N.J.A.C. 6A:10-98.1

Adopted:



# REGULATION GUIDE

## TEACHING STAFF MEMBERS

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Nonrenewal of Nontenured Teaching Staff Member

May 21

[See POLICY ALERT Nos. 166, 175, 201 and 223]

### R 3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

#### A. Evaluations

1. Each nontenured teaching staff member shall be evaluated in strict compliance with ~~statute~~, N.J.S.A. 18A:27-3.1, ~~rules of the State Board of Education~~, N.J.A.C. 6A:10-1.1 et seq., and the policies and procedures of this district.

#### B. Nonrenewal Recommendation

1. When a nontenured teaching staff member's performance does not meet the standards of the ~~school~~ district, **employment will not be offered to the nontenured teaching staff member for the succeeding** ~~Principal or the nontenured teacher's immediate supervisor shall recommend to the Superintendent that the teaching staff member should not be reemployed in the following school year.~~
2. **On or before May 15 of each year, each nontenured teaching staff member continuously employed by a Board of Education since the preceding September 30 shall receive a written notice from the Superintendent that such employment will not be offered if the Superintendent recommends the nontenured teaching staff member not be renewed** ~~The nontenured teaching staff member shall be informed by the Superintendent of Schools, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the nontenured teaching staff member on or before May 15.~~
3. A recommendation by the Superintendent **to not renew for nonrenewal a nontenured teaching staff member's contract for the succeeding school year** may be based upon the nontenured teaching staff member's **observations**, evaluations, job performance, or any factor affecting his/her employment in **the this** ~~school~~ district.



# REGULATION GUIDE

## TEACHING STAFF MEMBERS

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### Nonrenewal of Nontenured Teaching Staff Member

4. ~~A n~~**Nontenured teaching staff members' employment** contracts can ~~only~~ be renewed **only** upon the Superintendent's recommendation and a **recorded roll call** majority vote of the full **membership of the Board**. The Board **shall** ~~may~~ not withhold its approval for arbitrary and capricious reasons.
- C. Nonrenewal Action
1. **Prior to notifying the nontenured teaching staff member of the nonrenewal, the Superintendent shall notify the Board of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation.** ~~The Superintendent will notify Board members of the recommendation not to renew a nontenured teaching staff member's contract before notifying the nontenured teaching staff member of the recommendation to not renew.~~ The Superintendent may notify the Board members of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation in a written notice to the Board prior to May 15. ~~In or in the alternative, the Superintendent may notify the Board members of the recommendation not to renew a nontenured teaching staff member in an executive session. Using this option~~ **If notification is provided to the Board in executive session,** the Superintendent and the Board will meet in executive session prior to May 15 to review the Superintendent's recommendation(s) ~~for nonrenewal of nontenured teaching staff members.~~
    - a. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those nontenured teaching staff members whose possible nonrenewal will be discussed at the meeting. If any such **nontenured teaching staff member** ~~employee~~ requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation(s) and will be scheduled for discussion at a public meeting prior to May 15.



# REGULATION GUIDE

## TEACHING STAFF MEMBERS

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### Nonrenewal of Nontenured Teaching Staff Member

2. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed not renewed. A **Board's of Education** vote is not required on the Superintendent's recommendation(s) to not renew a nontenured teaching staff member's contract.

#### D. Notice of Nonrenewal

- ~~1. Notice of the Superintendent's decision not to renew shall be given to each nontenured teaching staff member not recommended for renewal on or before May 15 in accordance with N.J.S.A. 18A:27-10. The Board may delegate the Superintendent or the Board Secretary to give the written notice of nonrenewal.~~
12. The nonrenewal notice shall be ~~in writing and~~ provided to the nontenured teaching staff member not recommended for renewal **by the Superintendent** on or before May 15. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the nontenured teaching staff member's address of record.

#### E. Request for Statement of Reasons

1. **Any nontenured teaching staff member receiving notice that a teaching contract for the succeeding school year will not be offered may, within fifteen calendar days thereafter, request in writing, a statement of the reasons for such non-employment which shall be given to the nontenured teaching staff member in writing within thirty calendar days after the receipt of such request.** ~~A nonrenewed teaching staff member will be given a written statement of the reasons for which he/she was not renewed provided the teaching staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the teaching staff member received written notice of his/her nonrenewal. N.J.S.A. 18A:27-3.2.~~



# REGULATION GUIDE

## TEACHING STAFF MEMBERS

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### Nonrenewal of Nontenured Teaching Staff Member

2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the **nontenured employee's teaching staff member's observations and** evaluations and the **nontenured teaching staff member employee** has been given a copy of those **observations and** evaluations, the statement of reasons may incorporate the **observations and** evaluations by reference.
  3. The **written** statement of reasons will be prepared by the Superintendent ~~and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee's request.~~
- F. Nonrenewal Appearance
1. **Whenever the nontenured teaching staff member has requested in writing and received a written statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, the nontenured teaching staff member may request in writing an informal appearance before the Board. The written request shall be submitted to the Board within ten calendar days of the nontenured teaching staff member's receipt of the Board's statement of reasons. A teaching staff member who has requested a statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Superintendent a written request for such an appearance no later than ten calendar days after the nontenured teaching staff member's receipt of the written statement of reasons. N.J.A.C. 6A:10-8.1(a).**
  2. **The A date for the informal appearance shall be scheduled within thirty calendar days from the nontenured teaching staff member's receipt of the Board's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13.**



# REGULATION GUIDE

## TEACHING STAFF MEMBERS

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### Nonrenewal of Nontenured Teaching Staff Member

3. The Board will **exercise discretion in determining** ~~determine~~ a reasonable length of time **for the proceeding** ~~to be devoted to the appearance~~, depending upon each instance's specific circumstances.
4. The proceeding of an informal appearance before the Board may be conducted **in executive session** pursuant to N.J.S.A. 10:4-12(b)(8). **If conducted in executive session, notice must be given in accordance with N.J.S.A. 10:4-13.**
53. **The Board shall provide the nontenured teaching staff member adequate written notice regarding the date and time of the informal appearance.** ~~The teaching staff member requesting the appearance shall be given written notice, no later than forty-eight hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.~~
64. **The nontenured teaching staff member's appearance before the Board shall not be an adversary proceeding. The purpose of the appearance shall be to provide the nontenured teaching staff member the opportunity to convince Board of Education members to offer reemployment.** ~~The purpose of the appearance shall be to permit the nonrenewed teaching staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured teaching staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20.~~
7. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding ~~and the appearance shall not be an adversary proceeding.~~
85. The **nontenured** teaching staff member may be represented by an attorney or by one individual of his/her choosing. ~~He/She~~ **The nontenured teaching staff member** may present, **on his or her behalf**, witnesses ~~to testify on his/her behalf. Witnesses who do~~



# REGULATION GUIDE

## TEACHING STAFF MEMBERS

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### Nonrenewal of Nontenured Teaching Staff Member

not need to present testimony under oath and ~~their statements may be recorded. The~~ **shall not be cross-examined by the** Board ~~will hear witnesses and shall not cross-examine them.~~ Witnesses **shall** ~~will~~ be called **one at a time** into the meeting to address the Board ~~one at a time~~ and shall be excused from the meeting after making their statements.

#### G. Final Determination

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

Issued:





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Evaluation of Teachers

May 21

M

[See POLICY ALERT Nos. 172, 181, 201, 207, 212 and 223]

## 3221 EVALUATION OF TEACHERS

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

For the purposes of Policy and Regulation 3221, “teacher” means a teaching staff member who holds the appropriate standard, provisional, or emergency instructional certificate issued by the Board of Examiners and is assigned a class roster of students for at least one particular course.

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

The Board shall annually adopt evaluation rubrics for **all** teachers which shall be submitted to the Commissioner **of Education** by **August June** 1 for approval by August **15 +** of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of teachers and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all teachers. A District Evaluation Advisory Committee **may shall** be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.



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### Evaluation of Teachers

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

The components of the teacher evaluation rubric as described in N.J.A.C. 6A:10-4.1 shall apply to teachers. Measures of student achievement, as outlined in N.J.A.C. 6A:10-4.2, shall be used to determine impact on student learning. Teacher observations shall be conducted in accordance with the provisions of N.J.A.C. 6A:10-4.4 **and N.J.S.A. 18A:27-3.1**. Observers shall conduct the observations pursuant to N.J.S.A. 18A:6-123.b.(8) and N.J.A.C. 6A:10-2.5 and 3.2, and they shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).

The teacher practice instrument approved by the Department of Education shall meet the criteria as outlined in N.J.A.C. 6A:10-7.2.

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

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

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

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

N.J.A.C. 6A:10-7.1 and 7.2

Adopted:



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Evaluation of Teachers

May 21

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[See **POLICY ALERT Nos. 181, 201, 207, 212 and 223**]

## R 3221 EVALUATION OF TEACHERS

### A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3221 unless the context clearly indicates otherwise:

“Announced observation” means an observation in which the person conducting an observation for the purpose of evaluation will notify the teacher of the date and the class period the observation will be conducted.

“Annual performance report” means a written appraisal of the teacher’s performance prepared by the teacher’s designated supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a teacher’s evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

“Calibration” in the context of educator evaluation means a process to monitor the competency of a trained evaluator to ensure the evaluator continues to apply an educator practice instrument accurately and consistently according to the standards and definitions of the specific instrument.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Co-observation” means two or more supervisors who are trained on the practice instrument who observe simultaneously, or at alternate times, the same lesson or portion of a lesson for the purpose of training.



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“Corrective Action Plan” means a written plan developed by the designated supervisor in collaboration with the teacher to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teacher and the school district for implementing the plan, and specific support that the district shall provide as defined in N.J.S.A. 18A:6-119.

“Department” means the New Jersey Department of Education.

“Designated supervisor” means the supervisor designated by the Superintendent of Schools or designee as the teacher’s supervisor.

“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education’s evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. **The scores from the teacher practice instrument are components of the teacher’s evaluation rubric and the scores are included in the summative evaluation rating for the individual. The scores from educator practice instruments may be applied to the teacher’s summative evaluation rating in a manner determined by the school district.**

“Evaluation” means an appraisal of an individual’s professional performance in relation to his or her job description and professional standards and based on, when applicable, the individual’s evaluation rubric.

“Evaluation rubric” means a set of criteria, measures, and processes used to evaluate all teachers in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instrument, and student outcomes. Each Board



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of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.

“Job description” means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

“Observation” means a method of collecting data on the performance of a teacher's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-2.1.

“Post-observation conference” means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the teacher for the purpose of evaluation to discuss the data collected in the observation.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. ~~Teacher~~ **Educator** practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.



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“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Student growth objective” means an academic goal that teachers and designated supervisors set for groups of students.

“Student growth percentile” means a specific metric for measuring individual student progress on Statewide assessments by tracking how much a student’s test scores have changed relative to other students Statewide with similar scores in previous years.

“Superintendent” means Superintendent of Schools or Chief School Administrator.

“Supervisor” means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-12.

“Teacher” means a teaching staff member who holds the appropriate standard, provisional, or emergency instructional certificate issued by the Board of Examiners and is assigned a class roster of students for at least one particular course.

~~“Teacher practice instrument” means an assessment tool that provides scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from the teacher practice instrument are components of the teacher’s evaluation rubrics and the scores are included in the summative evaluation rating for the individual.~~

“Unannounced observation” means an observation in which the person conducting an observation for the purpose of evaluation will not notify the teacher of the date or time the observation will be conducted.



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B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

~~The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013.~~ No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Annual Performance Reports – N.J.A.C. 6A:10-1.4

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., including, but not limited to, digital records, shall be confidential. Such information 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. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e. or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Teachers – N.J.A.C. 6A:10-2.1

1. The Board of Education **shall** annually ~~shall~~ adopt evaluation rubrics for teachers. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
2. The evaluation rubrics for teachers shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 (P.L. 2012, c. 26, § 17c).
3. Evaluation rubrics shall be submitted to the Commissioner by **August** ~~June~~-1 for approval by August **15** ~~1~~ of each year.



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### E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of teachers, unless otherwise specified:
  - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;
  - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c):
    - (1) The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to ~~teachers in staff members~~ who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to ~~teachers in staff members~~ who are or will be primarily responsible for instructing the applicable students in the subsequent school year.
  - c. Ensure the Superintendent annually notifies all teachers of the adopted evaluation policies and procedures no later than October 1. If a teacher is hired after October 1, the Board/Superintendent shall notify the teacher of the policies and procedures at the beginning of his or her employment. All teachers shall be notified of amendments to the policy and procedures within ten **teacher** working days of adoption;





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- d. Annually adopt by June 1, any Commissioner-approved **educator** ~~teacher~~ practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;
  - e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;
  - f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
  - g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teacher for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4; and N.J.A.C. 6A:10-6.2, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.
2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teachers and, when applicable, applying the Commissioner-approved educator practice instrument:
- a. Annually provide training on and descriptions of each component of the evaluation rubric for all teachers who are being evaluated in the school district and provide more thorough training for any teacher who is being evaluated for the first time. Training shall include detailed



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descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instrument;

- b. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and more thorough training for any supervisor who will evaluate teachers for the first time. Training shall be provided on each component of the evaluated teacher's evaluation rubric before the evaluation of a teacher;
- c. Annually require each supervisor who will conduct observations for the purpose of evaluation of a teacher to complete at least two co-observations during the school year.
  - (1) Co-observers shall use the co-observation to promote accuracy and consistency in scoring.
  - (2) A co-observation may count as one required observation for the purpose of evaluation pursuant to N.J.A.C. 6A:10-4.4, as long as the observer meets the requirements set forth in N.J.A.C. 6A:10-4.3 and 4.4, but the co-observation shall not count as two or more required observations. If a co-observation counts as one required observation, the score shall be determined by the teacher's designated supervisor.
- d. The Superintendent shall annually certify to the Department that all supervisors of teachers in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.



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### F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
3. ~~A Beginning in 2018-2019, the District Evaluation Advisory Committees~~ **is not shall no longer be** required and the Board of Education shall have the discretion to **establish a continue the** District Evaluation Advisory Committee.

### G. Evaluation Procedures for Teachers – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3221 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teachers.
2. Evaluation policies and procedures requiring the annual evaluation of all teachers shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
  - a. Roles and responsibilities for implementation of evaluation policies and procedures;



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- b. Job descriptions, evaluation rubrics for teachers, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;
  - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile;
  - d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
  - e. Process for developing and scoring student growth objectives;
  - f. The process for preparation of individual professional development plans; and
  - g. The process for preparation of an annual performance report by the teacher's designated supervisor and an annual summary conference between the teacher and his or her designated supervisor.
3. The annual summary conference between designated supervisors and teachers shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:
- a. The performance of the teacher based upon the job description and the scores or evidence compiled using the teacher's evaluation rubric, including, when applicable:
    - (1) The **educator's** ~~teacher's~~ practice instrument; and
    - (2) Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.



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- b. The progress of the teacher toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; and
  - c. The preliminary annual performance report.
- 4. If any scores for the teacher's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
- 5. The annual performance report shall be prepared by the teacher's designated supervisor and shall include, but not be limited to:
  - a. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4;
  - b. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teacher's evaluation rubric; and
  - c. The teacher's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.
- 6. The teacher and the designated supervisor shall sign the report within five **teacher** working days of the review.
- 7. The Board of Education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teacher's personnel file, 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. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.



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## H. Corrective Action Plans for Teachers – N.J.A.C. 6A:10-2.5

1. For each teacher rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teacher and the teacher's designated supervisor. If the teacher does not agree with the corrective action plan's content, the designated supervisor shall make a final determination.
2. The corrective action plan shall be developed and the teacher and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation except:
  - a. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the teacher and his or her designated supervisor shall meet to discuss the corrective action plan within twenty-five teacher working days following the school district's receipt of the teacher's summative rating.
3. The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:
  - a. Address areas in need of improvement identified in the teacher evaluation rubric;
  - b. Include specific, demonstrable goals for improvement;
  - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
  - d. Include timelines for meeting the goal(s).



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4. The teacher's designated supervisor and the teacher on a corrective action plan shall discuss the teacher's progress toward the goals outlined in the corrective action plan during each required post-observation conference, pursuant to N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10-4.4. The teacher and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teacher's progress, position, or role.
5. Progress toward the teacher's goals outlined in the corrective action plan:
  - a. Shall be documented in the teacher's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the teacher on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teacher's progress toward his or her corrective action plan goals; and
  - b. May be used as evidence in the teacher's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
6. Responsibilities of the evaluated teacher on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teacher's designated supervisor.
7. The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation as required by N.J.S.A. 18A:6-120.c. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. The mid-year evaluation shall include, at a minimum, a conference to discuss progress toward the teacher's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.



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8. The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation conference, in addition to the observations required in N.J.A.C. 6A:10-4.4 for the purpose of evaluation as described in N.J.A.C. 6A:10-1.2 and 4.4(a).
  9. Except where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement, tenured teachers with a corrective action plan shall be observed by multiple observers for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4(c)4.
  10. The corrective action plan shall remain in effect until the teacher receives his or her next summative evaluation rating.
  11. There shall be no minimum number of teacher working days a teacher's corrective action plan can be in place.
- I. School Improvement Panel – N.J.A.C. 6A:10-3 et seq.
1. School Improvement Panel Membership – N.J.A.C. 6A:10-3.1
    - a. The School Improvement Panel shall include the Principal, a Vice Principal, and a teacher who is chosen in accordance with b. below by the Principal in consultation with the majority representative. If an Assistant Principal or Vice Principal is not available to serve on the panel, the Principal shall appoint an additional member who is employed in the district in a supervisory role and capacity, in accordance with N.J.S.A. 18A:6-120.a. The Principal may appoint additional members to the School Improvement Panel as long as all members meet the criteria outlined in this section and N.J.S.A. 18A:6-120.a. and the teacher(s) on the panel represents at least one-third of its total membership.
    - b. The Principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:





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- (1) The teacher member shall be a person with a demonstrated record of success in the classroom. A demonstrated record of success in the classroom means the teacher member shall have been rated effective or highly effective in the most recent available annual summative rating.
  - (2) The majority representative, in accordance with a. above, may submit to the Principal, teacher member nominees for consideration.
  - (3) The Principal shall have final decision-making authority and is not bound by the majority representative's list of nominees.
- c. The teacher member shall serve a full school year, except in case of illness or authorized leave, but may not be appointed more than three consecutive school years.
- d. All members of the School Improvement Panel shall be chosen by August 31 of each year.
2. School Improvement Panel Responsibilities – N.J.A.C. 6A:10-3.2
  - a. The School Improvement Panel shall:
    - (1) Oversee the mentoring of teachers according to N.J.A.C. 6A:9C-5.3(a)2. and support the implementation of the school district mentoring plan;
    - (2) Conduct evaluations of teachers pursuant to N.J.A.C. 6A:10-2.4 and 4.4;
    - (3) Ensure corrective action plans for teachers are created in accordance to N.J.A.C. 6A:10-2.5; and ensure mid-year evaluations are conducted for teachers who are on a corrective action plan; and



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- (4) Identify professional development opportunities for all teachers based on the review of aggregate school-level data, including, but not limited to, teacher evaluation and student performance data to support school-level professional development plans described in N.J.A.C. 6A:9C-4.2.
  - b. To conduct observations for the purpose of evaluation, the teacher member shall have:
    - (1) Agreement of the majority representative;
    - (2) An appropriate supervisory certificate; and
    - (3) Approval of the Principal who supervises the teacher being observed.
  - c. The teacher member who participates in the evaluation process shall not serve concurrently as a mentor under N.J.A.C. 6A:9C-5.2(a)3.
- J. Components of Teacher Evaluation Rubric – N.J.A.C. 6A:10-4.1
  - 1. The components of the teacher evaluation rubric described in N.J.A.C. 6A:10-4.1 et seq. shall apply to teachers holding the position of teacher and holding a valid and effective standard, provisional, or emergency instructional certificate.
  - 2. Evaluation rubrics for all teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:
    - a. Measures of student achievement pursuant to N.J.A.C. 6A:10-4.2; and
    - b. Measures of teacher practice pursuant to N.J.A.C. 6A:10-4.3 and 4.4.



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3. To earn a summative rating, a teacher shall have a student achievement score, including median student growth percentile and/or student growth objectives(s) scores, and a teacher practice score pursuant to N.J.A.C. 6A:10-4.4.
  4. Each score shall be converted to a percentage weight so all components make up 100 percent of the evaluation rubric. By August 31 prior to the school year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All components shall be worth the following percentage weights or fall within the following ranges:
    - a. If, according to N.J.A.C. 6A:10-4.2(b), a teacher receives a median student growth percentile, the student achievement component shall be at least thirty percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.
    - b. If, according to N.J.A.C. 6A:10-4.2(b), a teacher does not receive a median student growth percentile, the student achievement component shall be at least fifteen percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.
    - c. Measures of teacher practice described in N.J.A.C. 6A:10-4.3 and 4.4 shall be at least fifty percent and no more than eighty-five percent of a teacher's evaluation rubric rating as determined by the Department.
  5. Standardized tests, used as a measure of student progress, shall not be the predominant factor in determining a teacher's annual summative rating.
- K. Student Achievement Components – N.J.A.C. 6A:10-4.2
1. Measures of student achievement shall be used to determine impact on student learning. The student achievement measure shall include the following components:



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- a. If the teacher meets the requirements of 2. below, the median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth in 4. below; and
  - b. Student growth objective(s), which shall be specific and measurable, based on available student learning data, aligned to the New Jersey Student Learning Standards (NJSLS), and based on growth and/or achievement.
    - (1) For teachers who teach subjects or grades not covered by the NJSLS, student growth objective(s) shall align to standards adopted or endorsed, as applicable, by the State Board.
2. The median student growth percentile shall be included in the annual summative rating of a teacher who:
- a. Teaches at least one course or group within a course that falls within a standardized-tested grade or subject. The Department shall maintain on its website a course listing of all standardized-tested grades and subjects for which student growth percentile can be calculated pursuant to 4. below;
  - b. Teaches the course or group within the course for at least sixty percent of the time from the beginning of the course to the day of the standardized assessment; and
  - c. Has at least twenty individual student growth percentile scores attributed to his or her name during the school year of the evaluation. If a teacher does not have at least twenty individual student growth percentile scores in a given school year, the student growth percentile scores attributed to a teacher during the two school years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the



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### Evaluation of Teachers

school year of the evaluation. Only student growth percentile scores from school year 2013-2014 or any school year after shall be used to determine median student growth percentiles.

3. The Department shall periodically collect data for all teachers that include, but are not limited to, student achievement and teacher practice scores.
4. The Department shall calculate the median student growth percentile for teachers using students assigned to the teacher by the school district. For teachers who have a student growth percentile score:
  - a. The Board of Education shall submit to the Department final ratings for all components, other than the student growth percentile, for the annual summative rating; and
  - b. The Department then shall report to the employing district Board of Education the annual summative rating, including the median student growth percentile for each teacher who receives a median student growth percentile.
5. Student growth objectives for teachers shall be developed and measured according to the following procedures:
  - a. The Superintendent shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile. A teacher with a student growth percentile shall have at least one and not more than four student growth objectives. A teacher without a student growth percentile shall have at least two and a maximum of four student growth objectives. By August 31 prior to the school year the evaluation rubric applies, the Department shall provide on its website the minimum and maximum number of required student growth objectives within this range.



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- b. A teacher with a student growth percentile shall not use the standardized assessment used in determining the student growth percentile to measure progress toward a student growth objective.
- c. Each teacher shall develop, in consultation with his or her supervisor or a Principal's designee, each student growth objective. If the teacher does not agree with the student growth objectives, the Principal shall make the final determination.
- d. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within twenty-five **teacher** working days of the teacher's start date if the teacher begins work after October 1.
- e. Adjustments to student growth objectives may be made by the teacher in consultation with his or her supervisor only when approved by the Superintendent or designee. Adjustments shall be recorded in the teacher's personnel file on or before February 15.
  - (1) If the Student Growth Objective (SGO) covers only the second semester of the school year, or if the teacher begins work after October 1, adjustments shall be recorded before the mid-point of the second semester.
- f. The teacher's designated supervisor shall approve each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be discussed at the teacher's annual summary conference and recorded in the teacher's personnel file.



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L. Teacher Practice Components – N.J.A.C. 6A:10-4.3

1. The teacher practice component rating shall be based on the measurement of the teacher's performance according to the school district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement.

M. Teacher Observations – N.J.A.C. 6A:10-4.4

1. For the purpose of teacher evaluation, observers shall conduct the observations pursuant to N.J.S.A. 18A:6-123.b.(8) and N.J.A.C. 6A:10-2.5 and 3.2, and they shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).
2. Observation conferences shall include the following procedures:
  - a. A supervisor who is present at the observation shall conduct a post-observation conference with the teacher being observed. A post-observation conference shall occur no more than fifteen teacher working days following each observation.
  - b. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness. Within a school year, the post observation conference shall be held prior to the occurrence of further observations for the purpose of evaluation.
  - c. If agreed to by the teacher, one required post-observation conference and any pre-**observation** conference(s) for observations of tenured teachers who are not on a corrective action plan may be conducted **by** ~~via~~ written communication, including electronic.



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- d. One post-observation conference may be combined with a teacher's annual summary conference, as long as it occurs within the required fifteen teacher working days following the observation for the purpose of evaluation.
  - e. A pre-**observation** conference, when required, shall occur at least one but not more than seven teacher working days prior to the observation.
3. Each teacher shall be observed as described in N.J.A.C. 6A:10-4.4. For all teachers, at least one of the required observations shall be announced and preceded by a pre-**observation** conference, and at least one of the required observations shall be unannounced. The Superintendent shall decide whether additional required observations are announced or unannounced, if applicable. The following additional requirements shall apply:
- a. Each observation required for the purpose of evaluation shall be conducted for at least twenty minutes.
  - b. Nontenured teachers shall be observed at least three times each school year, but not less than once each semester. The observations shall be conducted in accordance with the timeframe set forth in N.J.S.A. 18A:27-3.1.
    - (1) Except where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement, nontenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor.
  - c. Tenured teachers shall be observed at least two times during each school year. Observations for all tenured teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.





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- (1) If a tenured teacher was rated highly effective on his or her most recent summative evaluation and if both the teacher and the teacher's designated supervisor agree to use this option, one of the two required observations may be an observation of a Commissioner-approved activity other than a classroom lesson. The Department of Education shall post annually to its website a list of Commissioner-approved activities that may be observed in accordance with N.J.A.C. 6A:10-4.4.
  - d. Teachers on a corrective action plan shall receive, in accordance with N.J.A.C. 6A:10-2.5(h), one additional observation, including a post-observation conference.
  - e. Upon receiving a final summative evaluation that necessitates a corrective action plan, in accordance with N.J.A.C. 6A:10-2.5(a), any remaining required observation(s) shall not be conducted until the corrective action plan has been finalized.
  - f. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed.
  - g. The teacher shall submit his or her written objection(s) of the evaluation within ten teacher working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.
4. To earn a teacher practice score, a nontenured teacher shall receive at least three observations.
    - a. If a nontenured teacher is present for less than forty percent of the total student school days in a school year, he or she shall receive at least two observations to earn a teacher practice score.



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Evaluation of Teachers

N. Teacher Practice Instrument – N.J.A.C. 6A:10-7.2

1. The teacher practice instrument approved by the Department shall meet the following criteria:
  - a. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers pursuant to N.J.A.C. 6A:9-3;
  - b. Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:
    - (1) Clearly define the expectations for each rating category;
    - (2) Provide a conversion to four rating categories;
    - (3) Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and
    - (4) Use clear and precise language that facilitates common understanding among teachers and administrators.
  - c. Rely on, to the extent possible, specific, discrete, observable, and/or measurable behaviors of students and teachers in the classroom with direct evidence of student engagement and learning; and
  - d. Include descriptions of specific training and implementation details required for the instrument to be effective.

Adopted:



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## TEACHING STAFF MEMBERS

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Evaluation of Teaching Staff Members, Excluding  
Teachers and Administrators

May 21

M

[See POLICY ALERT Nos. 175, 201, 207, 212 and 223]

### 3222 EVALUATION OF TEACHING STAFF MEMBERS, EXCLUDING TEACHERS AND ADMINISTRATORS

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

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

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

The Board shall annually adopt evaluation rubrics for **all** teaching staff members which shall be submitted to the Commissioner **of Education** by **August June 1** for approval by August **15 +** of each year. The evaluation rubrics shall have four



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## TEACHING STAFF MEMBERS

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### Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of teaching staff members and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all teaching staff members. A District Evaluation Advisory Committee ~~may~~ **shall** be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

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

Observations and evaluations for nontenured teaching staff members shall be in accordance with the provisions of N.J.S.A. 18A:27-3.1 **and N.J.A.C. 6A:10-6.2**. Evaluations for nontenured teaching staff members shall take place before April 30 each year prior to the May 15 notice requirement date for continued employment. Evaluations for tenured teaching staff members shall be completed prior to June 30.

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

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

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

Adopted:



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TEACHING STAFF MEMBERS

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Evaluation of Teaching Staff Members, Excluding  
Teachers and Administrators

May 21

**M**

[See **POLICY ALERT** Nos. 181, 201, 207, 212 and 223]

## R 3222 EVALUATION OF TEACHING STAFF MEMBERS, EXCLUDING TEACHERS AND ADMINISTRATORS

### A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3222 unless the context clearly indicates otherwise:

“Annual performance report” means a written appraisal of the teaching staff member's performance prepared by the teaching staff member's designated supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, if applicable, and includes all measures captured in a teaching staff member's evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Corrective Action Plan” means a written plan developed by the designated supervisor in collaboration with the teaching staff member to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teaching staff member and the school district for implementing the plan, and specific support that the district shall provide as defined in N.J.S.A. 18A:6-119.

“Department” means the New Jersey Department of Education.



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## TEACHING STAFF MEMBERS

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### Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

“Designated supervisor” means the supervisor designated by the Superintendent of Schools or designee as the teaching staff member’s supervisor.

“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education’s evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from educator practice instruments for teaching staff members other than teachers, Principals, Vice Principals, and Assistant Principals may be applied to the teaching staff member’s summative evaluation rating in a manner determined by the school district.

“Evaluation” means an appraisal of an individual’s professional performance in relation to his or her job description and professional standards and based on, when applicable, the individual’s evaluation rubric.

“Evaluation rubric” means a set of criteria, measures, and processes used to evaluate all teaching staff members in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.



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### Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

“Job description” means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

“Observation” means a method of collecting data on the performance of a teaching staff member's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-2.1.

“Post-observation conference” means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the teaching staff member for the purpose of evaluation to discuss the data collected in the observation.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.

“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Student growth objective” means an academic goal that teaching staff members and designated supervisors set for groups of students.

“Superintendent” means Superintendent of Schools or Chief School Administrator.



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## TEACHING STAFF MEMBERS

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### Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

“Supervisor” means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-12.

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

#### B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

~~The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013.~~ No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

#### C. Educator Evaluation Data, Information, and Annual Performance Reports – N.J.A.C. 6A:10-1.4

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., including, but not limited to, digital records, shall be confidential. Such information 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. Nothing contained in N.J.A.C.





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6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e. or distributing aggregate statistics regarding evaluation data.

#### D. Evaluation of Teaching Staff Members – N.J.A.C. 6A:10-2.1

1. The Board of Education **shall** annually ~~shall~~ adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
2. Evaluation rubrics shall be submitted to the Commissioner by **August 15** ~~June 1~~ for approval by August **15** ~~1~~ of each year.

#### E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of teaching staff members, unless otherwise specified:
  - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;
  - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c):
    - (1) The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to staff members who were primarily responsible for instructing the applicable



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### Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.

- c. Ensure the Superintendent annually notifies all teaching staff members of the adopted evaluation policies and procedures no later than October 1. If a teaching staff member is hired after October 1, the Board/Superintendent shall notify the teaching staff member of the policies and procedures at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy and procedures within ten **teaching staff member** working days of adoption;
- d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;
- e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;
- f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
- g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teaching staff member for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4, and



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### Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

N.J.A.C. 6A:10-6.2, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b.(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.

2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments:
  - a. Annually provide training on and descriptions of each component of the evaluation rubric for all teaching staff members who are being evaluated in the school district and provide more thorough training for any teaching staff member who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;
  - b. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and more thorough training for any supervisor who will evaluate teaching staff members for the first time. Training shall be provided on each component of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member; and
  - c. The Superintendent shall annually certify to the Department that all supervisors of teaching staff members in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.



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### Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

#### F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
3. ~~A Beginning in 2018-2019, the District Evaluation Advisory Committees~~ **is not shall no longer be** required and the Board of Education shall have the discretion to **establish a** ~~continue the~~ District Evaluation Advisory Committee.

#### G. Evaluation Procedures for Teaching Staff Members – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3222 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teaching staff members.
2. Evaluation policies and procedures requiring the annual evaluation of all teaching staff members shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
  - a. Roles and responsibilities for implementation of evaluation policies and procedures;



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### Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

- b. Job descriptions, evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;
  - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile;
  - d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
  - e. Process for developing and scoring student growth objectives;
  - f. The process for preparation of individual professional development plans; and
  - g. The process for preparation of an annual performance report by the teaching staff member's designated supervisor, and an annual summary conference between the teaching staff member and his or her designated supervisor.
3. The annual summary conference between the designated supervisor and the teaching staff member shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:
- a. The performance of the teaching staff member based upon the job description and the scores or evidence compiled using the teaching staff member's evaluation rubric, including, when applicable:
    - (1) The **educator's** ~~teaching staff member's~~ practice instrument; and



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- (2) Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.
  - b. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; and
  - c. The preliminary annual performance report.
4. If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
5. The annual performance report shall be prepared by the teaching staff member's designated supervisor and shall include, but not be limited to:
  - a. A summative rating based on the evaluation rubric;
  - b. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff member's evaluation rubric; and
  - c. The teaching staff member's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.
6. The teaching staff member and the designated supervisor shall sign the report within five **teaching staff member** working days of the review.
7. The Board of Education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teaching staff member's personnel file or in an



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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. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

#### H. Corrective Action Plans for Teaching Staff Members – N.J.A.C. 6A:10-2.5

1. For each teaching staff member rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the teaching staff member's designated supervisor. If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make a final determination.
2. The corrective action plan shall be developed and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation, except:
  - a. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan within twenty-five teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.
3. The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:
  - a. Address areas in need of improvement identified in the teaching staff member evaluation rubric;



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- b. Include specific, demonstrable goals for improvement;
  - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
  - d. Include timelines for meeting the goal(s).
- 4. The teaching staff member's designated supervisor and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each required post-observation conference. The teaching staff member and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.
- 5. Progress toward the teaching staff member's goals outlined in the corrective action plan:
  - a. Shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the teaching staff member on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals; and
  - b. May be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
- 6. Responsibilities of the evaluated teaching staff member on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teaching staff member's designated supervisor.
- 7. The corrective action plan shall remain in effect until the teaching staff member receives his or her next summative evaluation rating.





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### Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

8. There shall be no minimum number of teaching staff member working days a teacher's corrective action plan can be in place.

#### I. **Required Observations for Teaching Staff Members** ~~Observations and Evaluations~~ – N.J.A.C. 6A:10-6.2

1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured teaching staff members, except teachers, Principals, Vice Principals, and Assistant Principals. Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:
  - a. Be at least twenty minutes in length;
  - b. Be followed within fifteen teaching staff member working days by a conference between the supervisor who made the observation and the nontenured teaching staff member;
  - c. Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy of his or her records; and
  - d. Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within ten teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.
2. All tenured teaching staff members shall receive at least one observation per school year.
3. All nontenured teaching staff members shall receive at least three observations, as required pursuant to N.J.S.A. 18A:27-3.1.



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- a. The required observations and evaluations for nontenured teaching staff members shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the case of the first year of employment where the three observations and evaluations must have been completed prior to April 30.
  - b. The number of required observations and evaluations for nontenured teaching staff members may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year.
4. Evaluations for tenured teaching staff shall be completed prior to June 30.

Adopted:



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

May 21

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[See POLICY ALERT Nos. 175, 201, 207, 212 and 223]

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

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

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

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



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

The Board shall annually adopt evaluation rubrics for **all** administrators which shall be submitted to the Commissioner of Education by **August ~~June~~ 1** for approval by August **15** ~~+~~ of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of administrators and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all administrators. A District Evaluation Advisory Committee **may** ~~shall~~ be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

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

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

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

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

Adopted:



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

May 21

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[See POLICY ALERT Nos. 201, 207, 212 and 223]

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

### A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3223 unless the context clearly indicates otherwise:

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

“Annual performance report” means a written appraisal of the administrator’s performance prepared by the administrator’s designated supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in an administrator’s evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.



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

“Corrective Action Plan” means a written plan developed by the administrator’s designated supervisor in collaboration with the administrator to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual administrator and the school district for implementing the plan, and specific support that the district shall provide as defined in N.J.S.A. 18A:6-119.

“Department” means the New Jersey Department of Education.

“Designated supervisor” means the supervisor designated by the Superintendent of Schools or designee as the administrator’s supervisor.

“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education’s evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from educator practice instruments for **administrators** ~~teaching staff members~~ other than ~~teachers~~, Principals, Vice Principals, and Assistant Principals may be applied to the administrator’s summative evaluation rating in a manner determined by the school district.

“Evaluation” means an appraisal of an individual’s professional performance in relation to his or her job description and professional standards and based on, when applicable, the individual’s evaluation rubric.

“Evaluation rubric” means a set of criteria, measures, and processes used to evaluate all administrators in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board



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of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.

“Job description” means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

“Observation” means a method of collecting data on the performance of an administrator's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-2.1 and as designated by the Superintendent.

“Post-observation conference” means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the administrator for the purpose of evaluation to discuss the data collected in the observation.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.



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“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

**“Student growth objective” means an academic goal that teachers and designated supervisors set for groups of students.**

“Superintendent” means Superintendent of Schools or Chief School Administrator.

“Supervisor” means an appropriately certified staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement, as defined in N.J.A.C. 6A:9B-12.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

~~The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013.~~ No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Annual Performance Reports – N.J.A.C. 6A:10-1.4

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., including, but not limited to, digital records, shall be confidential. Such information shall not be





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subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e. or distributing aggregate statistics regarding evaluation data.

### D. Evaluation of Administrators – N.J.A.C. 6A:10-2.1

1. The Board of Education shall annually adopt evaluation rubrics for all administrators. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
2. Evaluation rubrics shall be submitted to the Commissioner by **August 1** for approval by August **15** of each year.

### E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of administrators, unless otherwise specified:
  - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;
  - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c):
    - (1) The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise



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made available to staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.

- c. Ensure the Superintendent annually notifies all administrators of the adopted evaluation policies and procedures no later than October 1. If an administrator is hired after October 1, the Board/Superintendent shall notify the administrator of the policies and procedures at the beginning of his or her employment. All administrators shall be notified of amendments to the policy and procedures within ten **administrator** working days of adoption;
- d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;
- e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;
- f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and



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- g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of an administrator for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4; and N.J.A.C. 6A:10-6.2 shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b.(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.
2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all administrators and, when applicable, applying the Commissioner-approved educator practice instruments:
  - a. Annually provide training on and descriptions of each component of the evaluation rubric for all administrators who are being evaluated in the school district and provide more thorough training for any administrator who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;
  - b. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and more thorough training for any supervisor who will evaluate administrators for the first time. Training shall be provided on each component of the evaluated administrator's evaluation rubric before the evaluation of an administrator;
  - c. The Superintendent shall annually certify to the Department that all supervisors of administrators in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.



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### F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
3. ~~A Beginning in 2018-2019, the District Evaluation Advisory Committees is not shall no longer be~~ required and the Board of Education shall have the discretion to **establish a** ~~continue the~~ District Evaluation Advisory Committee.

### G. Evaluation Procedures for Administrators – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3223 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of administrators.
2. Evaluation policies and procedures requiring the annual evaluation of all administrators shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
  - a. Roles and responsibilities for implementation of evaluation policies and procedures;



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- b. Job descriptions, evaluation rubrics for administrators, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;
  - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Vice Principals, and Assistant Principals for calculating the median and school-wide student growth percentile;
  - d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
  - e. Process for developing and scoring student growth objectives;
  - f. The process for preparation of individual professional development plans; and
  - g. The process for preparation of an annual performance report by the Superintendent or designated supervisor and an annual summary conference between the administrator and his or her designated supervisor.
3. The annual summary conference between designated supervisors and the administrator shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:
- a. The performance of the administrator based upon the job description and the scores or evidence compiled using the administrator's evaluation rubric, including, when applicable:
    - (1) The ~~educator's~~ administrator's practice instrument; and



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- (2) Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.
- b. The progress of the administrator toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; and
  - c. The preliminary annual performance report.
- 4. If any scores for the administrator's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
- 5. The annual performance report for the administrator shall be prepared by the designated supervisor and shall include, but not be limited to:
  - a. A summative rating based on the evaluation rubric;
  - b. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the administrator's evaluation rubric; and
  - c. The administrator's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.
- 6. The administrator and the designated supervisor shall sign the report within five **administrator** working days of the review.
- 7. The Board of Education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of his or her personnel file, or in an alternative,



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confidential location. If reports and data are stored in an alternative, confidential location, the personnel file shall clearly indicate the report's location and how it can easily be accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

## H. Corrective Action Plans for Administrators – N.J.A.C. 6A:10-2.5

1. For each administrator rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by administrator and the Superintendent or the designated supervisor. If the administrator does not agree with the corrective action plan's content, the designated supervisor shall make a final determination.
2. The corrective action plan shall be developed and the administrator and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation except:
  - a. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the administrator and his or her designated supervisor shall meet to discuss the corrective action plan within twenty-five administrator working days following the school district's receipt of the administrator's summative rating.
3. The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:
  - a. Address areas in need of improvement identified in the administrator evaluation rubric;
  - b. Include specific, demonstrable goals for improvement;



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- c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
  - d. Include timelines for meeting the goal(s).
- 4. The administrator's designated supervisor and the administrator on a corrective action plan shall discuss the administrator's progress toward the goals outlined in the corrective action plan during each required post-observation conference. The administrator and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the administrator's progress, position, or role.
- 5. Progress toward the administrator's goals outlined in the corrective action plan:
  - a. Shall be documented in the administrator's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the administrator on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the administrator's progress toward his or her corrective action plan goals; and
  - b. May be used as evidence in the administrator's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
- 6. Responsibilities of the evaluated administrator on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the administrator's designated supervisor.
- 7. The corrective action plan shall remain in effect until the administrator receives his or her next summative evaluation rating.
- 8. There shall be no minimum number of administrator working days an administrator's corrective action plan can be in place.





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## I. Administrator Observations and Evaluations – N.J.A.C. 6A:10-6.2

1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured administrators. Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:
  - a. Be at least twenty minutes in length;
  - b. Be followed within fifteen administrator working days by a conference between the supervisor who made the observation and the nontenured administrator;
  - c. Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy of his or her records; and
  - d. Allow the nontenured administrator to submit his or her written objection(s) of the evaluation within ten administrator working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.
2. All tenured administrators shall receive at least one observation per school year.
3. All nontenured administrators shall receive at least three observations, as required pursuant to N.J.S.A. 18A:27-3.1.
  - a. The required observations and evaluations for nontenured administrators shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the case of the first year of employment where the three evaluations and observations must have been completed prior to April 30.



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

- b. The number of required observations and evaluations for nontenured administrators may be reduced proportionately when an individual administrator's term of service is less than one academic year.
- 4. Evaluations for tenured administrators shall be completed prior to June 30.

Adopted:



# POLICY GUIDE

## SUPPORT STAFF MEMBERS

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Nonrenewal of Nontenured Support Staff Member

May 21

[See **POLICY ALERT Nos. 166, 201 and 223**]

### 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

The Board will renew the employment contract of a nontenured support staff member only upon the recommendation of the Superintendent and by a recorded roll call majority vote of the full membership of the Board. The Board will not withhold its approval for arbitrary and capricious reasons. A nontenured support staff member who is not recommended for renewal by the Superintendent is deemed nonrenewed.

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

The Superintendent shall **provide written notification to** ~~notify~~ each nontenured support staff member to whom reemployment will not be offered ~~in writing~~ in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. Paraprofessionals continuously employed since the preceding September 30 as a school aide or classroom aide in a school district that receives funding under Title I of the Federal Elementary and Secondary Education Act of 1965 shall be notified of renewal or nonrenewal on or before May 15 in each year in accordance with the provisions of N.J.S.A. 18A:27-10.2.



# POLICY GUIDE

## SUPPORT STAFF MEMBERS

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### Nonrenewal of Nontenured Support Staff Member

Any nontenured support staff member **receiving notice that a contract for the succeeding year will not be offered, may within fifteen calendar days, request in writing a statement of the reasons for such nonemployment which shall be** ~~whose contract is not renewed shall have the right to a written statement of the reasons for nonrenewal, provided the request for the statement of reasons is made within fifteen days of the Superintendent's written notification of nonrenewal to the support staff member. The statement of reasons shall be provided given to~~ **the a nontenured support staff member in writing within thirty calendar days** after the receipt of ~~such the~~ request.

Whenever a nontenured support staff member has requested in writing and received a written statement of reasons for non-reemployment **pursuant to N.J.S.A. 18A:27-3.2, the nontenured support staff member may request in writing** ~~shall have the right to an informal appearance before the Board. The written request shall be submitted to the Board within ten calendar days of the nontenured support staff member's receipt of the Board's statement of reasons. The informal appearance shall be scheduled within thirty calendar days from the nontenured support staff member's receipt of the Board's statement of reasons to permit the support staff member an opportunity to convince the members of the Board to offer reemployment, provided that a request for such an appearance is received within ten days after the support staff member receives the statement of reasons provided by the Superintendent. The informal appearance before the Board shall be held in accordance with the provisions of N.J.A.C. 6A:10-8.1.~~

The Board is not required to offer reemployment or vote on reemployment after an informal appearance with a nontenured support staff member who was not recommended for reemployment by the Superintendent. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured support staff member reemployment after the informal appearance before the Board. **Within three working days following the informal appearance, the Board shall notify the affected nontenured support staff member, in writing, of its final determination.** ~~The support staff member will be notified of the Board's final determination within three days following the informal appearance before the Board.~~



# POLICY GUIDE

## SUPPORT STAFF MEMBERS

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### Nonrenewal of Nontenured Support Staff Member

The provisions as outlined in Policy and Regulation 4146 may be revised or adjusted by the Superintendent of Schools to be in accordance with the terms and timelines of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties provided the terms are not contrary to any statute, administrative code, or any management rights of the Board.

This Policy does not apply to the contract renewal of the Treasurer of School Moneys, Board Auditor, Board Attorney or Board Secretary, except a Board Secretary who performs business administration functions.

N.J.S.A. **18A:27-3.2**; 18A:27-4.1;

**N.J.A.C. 6A:10-9.1**

Adopted:



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## SUPPORT STAFF MEMBERS

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Nonrenewal of Nontenured Support Staff Member

May 21

[See **POLICY ALERT Nos. 166, 201 and 223**]

### R 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

#### A. Evaluations

1. Each nontenured support staff member shall be evaluated at least one time each school year.
2. Evaluations shall set forth both the strengths and weaknesses of the nontenured support staff member in order to provide an accurate assessment of his/her performance and to encourage the improvement of that performance.
3. Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured support staff members in the improvement of professional skills.

#### B. Nonrenewal Recommendation

1. When a nontenured support staff member's performance does not meet the standards of the **school** district, **employment will not be offered to the nontenured support staff member's immediate supervisor for the next succeeding** ~~shall recommend to the Superintendent, no later than April 1, that the support staff member should not be reemployed in the following~~ school year.
2. The nontenured support staff member shall be informed by the Superintendent of Schools, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the nontenured support staff member in accordance with the **timelines and** terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties.
3. A recommendation by the Superintendent **to not renew the nontenured support staff member for nonrenewal** may be based upon the nontenured support staff member's evaluations, job performance, or any factor affecting his/her employment in **the school** ~~this~~ district.



# REGULATION GUIDE

## SUPPORT STAFF MEMBERS

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### Nonrenewal of Nontenured Support Staff Member

4. A nontenured support staff member contract can ~~only~~ be renewed **only** upon the Superintendent's recommendation and a majority vote of the full **membership of the** Board. The Board **shall** ~~may~~ not withhold its approval for arbitrary and capricious reasons.
- C. Nonrenewal Action
1. **Prior to notifying the nontenured support staff member of the nonrenewal, the Superintendent shall notify the Board of the recommendation not to renew the nontenured support staff member's contract and the reasons for the recommendation.** ~~The Superintendent will notify Board members of the recommendation not to renew a nontenured teaching staff member's contract before notifying the nontenured teaching staff member of the recommendation to not renew. The Superintendent may notify the Board members of the recommendation not to renew the nontenured support teaching staff member's contract and the reasons for the recommendation in a written notice to the Board prior to May 15. In or in the alternative, the Superintendent may notify the Board members of the recommendation not to renew a nontenured teaching staff member in an executive session. Using this option~~ **If notification is provided to the Board in executive session, the Superintendent and the Board will meet in executive session in accordance with the timelines and terms of any applicable collective bargaining agreement, individual contract, or any other agreement between parties prior to May 15 to review the Superintendent's recommendation(s) for nonrenewal of nontenured teaching staff members.**
    - a. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those nontenured support staff members whose possible nonrenewal will be discussed at the meeting. If any such **nontenured support staff member** ~~employee~~ requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation and will be scheduled for discussion at a public meeting.



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## SUPPORT STAFF MEMBERS

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### Nonrenewal of Nontenured Support Staff Member

2. **The Superintendent will ensure the timelines for nonrenewal action are in accordance with the timelines and terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties.**
  32. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board of **Education** vote is not required on the Superintendent's recommendation(s) to not renew a nontenured support staff member's contract.
- D. Notice of Nonrenewal
- ~~1. Notice of the Superintendent's decision not to renew shall be given to each nontenured support staff member not recommended for renewal in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. The Board may delegate the Superintendent or the Board Secretary to give the written notice of nonrenewal.~~
  12. The nonrenewal notice shall be ~~in writing and~~ provided to the nontenured support staff member not recommended for renewal **by the Superintendent** in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the nontenured support staff member's address of record.
- E. Request for Statement of Reasons
1. **Any nontenured support staff member receiving notice that a contract for the succeeding school year will not be offered may, within fifteen calendar days thereafter, request in writing a statement of the reasons for such nonemployment which shall be given to the nontenured support staff member in writing thirty calendar days after the receipt of such request. A nonrenewed support staff member will be given a written statement of the reasons for which he/she was not renewed**





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## SUPPORT STAFF MEMBERS

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### Nonrenewal of Nontenured Support Staff Member

~~provided the support staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the support staff member has received written notice of his/her nonrenewal.~~

2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the **nontenured support staff member's** ~~employee's~~ evaluations and the **nontenured support staff member** ~~employee~~ has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.
3. The statement of reasons may be prepared by the Superintendent or the Board Secretary and shall be delivered to the **nontenured support staff member** ~~employee~~ who requested **the statement of reasons** ~~it~~ within thirty calendar days after the receipt of the **nontenured support staff member's** ~~employee's~~ request **for the statement of reasons.**

#### F. Nonrenewal Appearance

1. **Whenever the nontenured support staff member has requested in writing and received a written statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, the nontenured support staff member may request in writing an informal appearance before the Board. The written request shall be submitted to the Board within ten calendar days of the nontenured support staff member's receipt of the Board's statement of reasons** ~~A support staff member who has requested a statement of reasons for his/her nonrenewal will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Superintendent a written request for such an appearance no later than ten calendar days after the support staff member's receipt of the written statement of reasons.~~
2. ~~A date for the~~ **The informal appearance shall be scheduled within thirty calendar days from the nontenured support staff member's receipt of the Board's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13.**



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## SUPPORT STAFF MEMBERS

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### Nonrenewal of Nontenured Support Staff Member

3. The Board will **exercise discretion in determining** ~~determine~~ a reasonable length of time **for the proceeding** ~~to be devoted to the appearance~~, depending upon each instance's specific circumstances.
4. The proceeding of an informal appearance before the Board may be conducted **in executive session** pursuant to N.J.A.C. 10:4-12(b)(8). **If conducted in executive session notice must be given in accordance with N.J.S.A. 10:4-13.**
53. **The Board shall provide the nontenured support staff member adequate written notice regarding the date and time of the informal appearance.** ~~The support staff member requesting the appearance shall be given written notice, no later than forty-eight hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.~~
64. **The nontenured support staff member's appearance before the Board shall not be an adversary proceeding. The purpose of the appearance shall be to provide the nontenured support staff member the opportunity to convince Board of Education members to offer reemployment.** ~~The purpose of the appearance shall be to permit the nonrenewed support staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured support staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20.~~
7. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding ~~and the appearance shall not be an adversary proceeding.~~
85. The **nontenured** support staff member may be represented by an attorney or by one individual of his/her choosing. ~~He/She~~ **The nontenured support staff member** may present, **on his or her behalf**, witnesses ~~to testify on his/her behalf. Witnesses who do~~



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## SUPPORT STAFF MEMBERS

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### Nonrenewal of Nontenured Support Staff Member

not need to present testimony under oath, and ~~their statements may be recorded. The~~ **shall not be cross-examined by the** Board ~~will hear witnesses and shall not cross-examine them.~~ Witnesses **shall** ~~will~~ be called **one at a time** into the meeting to address the Board ~~one at a time~~ and shall be excused from the meeting after making their statements.

#### G. Final Determination

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

Issued:



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[See **POLICY ALERT** Nos. 184, 188 and 223]

## 6471 SCHOOL DISTRICT TRAVEL

The Board of Education shall implement a Policy and Regulation pertaining to travel expenditures for its employees and Board of Education members that is in accordance with N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-7, and other rules and procedures the Board of Education deems appropriate pursuant to N.J.A.C. 6A:23A-7.2(a). The Policy and Regulation pertaining to school district travel expenditures incorporates either expressly, in whole or in part, and/or by reference, the laws and regulations contained in N.J.S.A. 18A:11-12 and N.J.A.C. 6A:23A-7.

The Board of Education ensures the effective and efficient use of funds by adopting and implementing policies and procedures that are in accordance with N.J.S.A. 18A:11-12 and New Jersey Department of the Treasury, Office of Management and Budget (OMB) current circulars and any superseding circulars pertaining to travel, meals, events and entertainment, and the additional requirements set forth in N.J.A.C. 6A:23A-7. If any superseding circulars of the OMB conflict with the provisions of these rules, the provisions of the superseding circulars shall govern.

Any sections of State travel regulations as established by the OMB presented as OMB Travel, Entertainment, Meals, and Refreshments Circulars, that conflict with N.J.S.A. 18A:1-1 et seq. shall not be included in Policy and Regulation 6471 nor authorized under N.J.A.C. 6A:23A-7. This includes, but is not limited to, the authority to issue travel charge cards as allowed under the OMB Circulars, but which is not authorized for school districts under New Jersey school law.

The Board of Education shall ensure, through Policy and Regulation 6471, that all travel by its employees and Board of Education members is educationally necessary and fiscally prudent. Policy and Regulation 6471 shall include the requirement that all school district travel expenditures are:

1. Directly related to and within the scope of the employee's or district Board member's current responsibilities and, for school district employees, the school district's professional development plan, the school professional development plan, and employee's individual professional development plan;



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2. For travel that is critical to the instructional needs of the school district or furthers the efficient operation of the school district; and
3. In compliance with State travel payment guidelines as established by the OMB and with guidelines established by the Federal Office of Management and Budget; except any State or Federal regulations and guidelines that conflict with the provisions of Title 18A of the New Jersey Statutes shall not be applicable, including, but not limited to, the authority to issue travel charge cards. The Board of Education shall specify in its travel policy the applicable restrictions and requirements set forth in the State and Federal guidelines, including, but not limited to, types of travel, methods of transportation, mileage allowance, subsistence allowance, and submission of supporting documentation including receipts, checks, or vouchers.

School district travel expenditures shall include, but shall not be limited to, all costs for transportation, meals, lodging, and registration or conference fees directly related to participation in the event.

School district travel expenditures subject to N.J.A.C. 6A:23A-7 shall include costs for all required training and all travel authorized in school district employee contracts and Policy and Regulation 6471. This includes, but is not limited to, required professional development, other employee training and required training for Board members, and attendance at specific conferences authorized in existing employee contracts, provided the travel meets the requirements of N.J.A.C. 6A:23A-7. All such expenditures are subject to the rules in N.J.A.C. 6A:23A-7, including, but not limited to, inclusion in the annual travel limit, prior Board of Education approval, separate tracking as described at N.J.S.A. 18A:11-12.q., and per diem reimbursements.

Travel reimbursements will only be paid upon compliance with all provisions of N.J.A.C. 6A:23A-7 and Policy and Regulation 6471. The Board of Education will not ratify or approve payments or reimbursements for travel after completion of the travel event, except as provided at N.J.A.C. 6A:23A-7.4(d).

The Board of Education shall establish a maximum travel budget in accordance with the requirements outlined in N.J.A.C. 6A:23A-7.3.



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All travel requests must be submitted and approved in writing by the Superintendent of Schools and the majority of the Board of Education's full voting membership of the Board, except if the Board of Education has excluded regular business travel from prior approval pursuant to N.J.A.C. 6A:23A-7.3(b), prior to obligating the school district to pay related expenses and prior to attendance at the travel event.

All travel requests for Board members shall require prior approval by a majority of the Board of Education's full voting membership, except where the Board of Education has excluded regular business travel from prior approval pursuant to N.J.A.C. 6A:23A-7.3(b), and the travel shall be in compliance with N.J.S.A. 18A:12-24 and 24.1.

A Board member must recuse himself or herself from voting on travel if the Board member, a member of his or her immediate family, or a business organization in which he or she has an interest has a direct or indirect financial involvement that may reasonably be expected to impair his or her objectivity or independence of judgment. Policy and Regulation 6471 prohibit a Board member from acting in his or her official capacity in any matter in which he or she or a member of his or her immediate family has a personal involvement that is or creates some benefit to the school district Board member or member of his or her immediate family; or undertaking any employment or service, whether compensated or not, that may reasonably be expected to prejudice his or her independence of judgment in the execution of his or her official duties.



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The Board of Education requires documentation required in N.J.A.C. 6A:23A-7.5(b) that justifies the number of employees attending an event and the benefits derived from their attendance. Pursuant to N.J.A.C. 6A:23A-7.5(c), the school district shall maintain documentation on file that demonstrates compliance with the Board of Education's travel policy, including travel approvals, reports, and receipts for all school district funded expenditures, as appropriate.

The School Business Administrator/Board Secretary shall be responsible for the accounting requirements for travel in accordance with the provisions of N.J.A.C. 6A:23A-7.6.

The Superintendent of Schools and the School Business Administrator are the final approval authorities for travel.

Sanctions for a violation of the provisions of N.J.A.C. 6A:23A-7 or this Policy are outlined in N.J.A.C. 6A:23A-7.7 and Regulation 6471.

The Board of Education prohibits the types of travel expenditures not eligible for reimbursement as listed in N.J.A.C. 6A:23A-7.8. and Regulation 6471.



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Travel methods shall be in accordance with the provisions of N.J.A.C. 6A:23A-7.9 and Regulation 6471 and the routing of travel shall be in accordance with the provisions of N.J.A.C. 6A:23A-7.10 and Regulation 6471.

Any subsistence allowance shall be in accordance with the provisions of N.J.A.C. 6A:23A-7.11 and Regulation 6471. Meal allowances and incidental expenditures shall be in accordance with N.J.A.C. 6A:23A-7.12 and Regulation 6471.

Reimbursement for out-of-State and high-cost travel shall be made pursuant to N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-5.9, and Policy and Regulation 6471.

Records and supporting documentation must be completed and maintained as required in N.J.A.C. 6A:23A-7.13 and outlined in Regulation 6471.

The Board of Education shall approve the mileage reimbursement amount to be paid to an employee who has been approved by the Superintendent or designee to use their personal vehicle for school-related business.

N.J.S.A. 18A:11-12  
N.J.A.C. 6A:23A-5.9; 6A:23A-7

Adopted:





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School District Travel Procedures

May 21

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[See POLICY ALERT Nos. 184, 188 and 223]

## R 6471 SCHOOL DISTRICT TRAVEL PROCEDURES

### A. Definitions (N.J.S.A. 6A:23A-1.2)

1. For the purpose of this Policy, “travel expenditures” means those costs paid by the school district using local, State, or Federal funds, whether directly by the school district or by employee reimbursement, for travel by school district employees and district Board of Education members, to the following five types of travel events:
  - a. Training and seminars – means all regularly scheduled, formal residential or non-residential training functions conducted at a hotel, motel, convention center, residential facility, or at any educational institution or facility;
  - b. Conventions and conferences – means general programs, sponsored by professional associations on a regular basis, which address subjects of particular interest to a school district or are convened to conduct association business. The primary purpose of employee attendance at conferences and conventions is the development of new skills and knowledge or the reinforcement of those skills and knowledge in a particular field related to school district operations. These are distinct from formal staff training and seminars, although some training may take place at such events;
  - c. School district sponsored events – means conferences, conventions, receptions, or special meetings, where the school plans, develops, implements, and coordinates the event and is the event’s primary financial backer. School district employees are actively involved in working the event and other employees may attend as participants;



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- d. Regular school district business travel – means all regular official business travel, including attendance at meetings, conferences, and any other gatherings which are not covered by the definitions included in a., b., and c. above. Regular school district business travel also includes attendance at regularly scheduled in-State county meetings and Department-sponsored or association-sponsored events provided free of charge and regularly scheduled in-State professional development activities with a registration fee that does not exceed \$150 per employee or district Board member. The \$150 limit per employee or district Board member may be adjusted by inflation; and
- e. Retreats – means meetings with school district employees and school Board members, held away from the normal work environment at which organizational goals and objectives are discussed. If available, school district facilities shall be utilized for this type of event.

## B. Maximum Travel Budget (N.J.A.C. 6A:23A-7.3)

- 1. Annually in the prebudget year, the Board of Education shall establish by resolution a maximum travel expenditure amount for the budget year, which the school district shall not exceed. The resolution shall also include the maximum amount established for the prebudget year and the amount spent to date.
  - a. The maximum school district travel expenditure amount shall include all travel supported by local and State funds.
  - b. The Board may exclude travel expenditures supported by Federal funds from the maximum travel expenditure amount.
    - (1) If Federal funds are excluded from the established maximum amount, the Board shall include in the resolution the total amount of travel supported by Federal funds from the prior year, prebudget year, and projected for the budget year.



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- c. Exclusion of Federal funds from the annual maximum travel budget shall not exempt such travel from the requirements applicable to State and local funds.
- 2. The Board of Education may authorize an annual maximum amount per employee for regular business travel only for which Board of Education approval is not required.
  - a. The annual maximum shall not exceed \$1,500 and shall be subject to the approval requirements in N.J.S.A. 18A:19-1.
  - b. Regular school district business travel as defined in N.J.A.C. 6A:23A-1.2 and in this Regulation shall include attendance at regularly scheduled in-State county meetings and Department-sponsored or association-sponsored events provided free of charge. It also shall include regularly scheduled in-State professional development activities for which the registration fee does not exceed \$150 per employee or Board member.
  - c. Regular school district business travel shall require approval of the Superintendent prior to obligating the school district to pay related expenses and prior to attendance at the travel event.
    - (1) The Superintendent shall designate an alternate approval authority to approve travel requests in his or her absence when necessary to obtain timely district Board of Education approval.
    - (2) The Superintendent shall establish, in writing, the internal levels of approval required prior to his or her approval of the travel event, as applicable.
- C. Travel Approval Procedures (N.J.A.C. 6A:23A-7.4)
  - 1. All travel requests for employees of the school district shall be submitted to the Superintendent or designee and approved in writing by the Superintendent and approved by a majority of the Board of Education's full voting membership, except if the Board of Education has excluded regular business travel from prior approval in Policy 6471 pursuant to N.J.A.C. 6A:23A-7.3(b), prior to obligating the school district to pay related expenses and prior to attendance at the travel event.



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- a. The Superintendent shall designate an alternate approval authority to approve travel requests in his or her absence when necessary to obtain timely Board approval.
  - b. The Superintendent shall establish, in writing, the internal levels of preliminary approval required prior to the Superintendent's approval of the travel event, as applicable.
    - (1) The School Business Administrator/Board Secretary or designee shall review all travel requests either before or after the Superintendent's approval and prior to submission of the Board for approval to determine if the expenses as outlined in the request are in compliance with the requirements of N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-7, the current State travel payment guidelines established by the Department of the Treasury, and the current guidelines established by the Federal Office of Management and Budget.
      - (a) If any travel expenses requested are not in compliance with the guidelines outlined above, the School Business Administrator/Board Secretary or designee will return the request to be revised in accordance with the guidelines outlined above.
      - (b) The Superintendent may deny the request, approve the request conditioned upon the staff member assuming the financial responsibility for those travel expenses that are not in compliance with the guidelines, or may return the request to the school staff member to be revised in accordance with the guidelines outlined above.
2. All travel requests for Board members shall require prior approval by a majority of the Board's full voting membership, except where the Board has excluded regular business travel from prior approval pursuant to N.J.A.C. 6A:23A-7.3(b), and the travel shall be in compliance with N.J.S.A. 18A:12-24 and 24.1.



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3. The Board of Education may approve, at any time prior to the event, travel for multiple months as long as the approval detailed in Board of Education minutes itemizes the approval by event, total cost, and number of employees and/or Board members attending the event. General or blanket pre-approval shall not be authorized.
4. All travel requests shall receive prior approval of the Board of Education except if the Board has excluded from the requirements prior Board approval of any travel caused by or subject to existing contractual provisions, including grants and donations, and other statutory requirements, or Federal regulatory requirements in Policy 6471 pursuant to N.J.A.C. 6A:23A-7.4(d). For the exclusion of prior Board approval to apply, the required travel event shall be detailed, with number of employee(s), Board member(s), and total cost in the applicable contract, grant, donation, statute, or Federal regulation.
  - a. This shall not include general grant guidelines or regulations that are permissive, but do not require the travel event, unless the specific travel event, number of employee(s), Board member(s), and total cost is detailed in the approved grant, donation, or other fund acceptance agreement.
  - b. This shall not include general contractual provisions in employment contracts for continuing education or professional development, except if the Board has included in its policy a maximum amount per employee for regular business travel that does not require prior Board of Education approval pursuant to N.J.A.C. 6A:23A-7.3.
5. If occasional unforeseen situations arise wherein a travel request cannot obtain prior approval of the Board of Education, justification shall be included in the text of the travel request.



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- a. Such requests shall require prior written approval of the Superintendent or designee, and the Executive County Superintendent or designee.
    - b. The Board shall ratify the request at its next regularly scheduled meeting.
    - c. Travel to conferences, conventions, and symposiums shall not be considered emergencies and shall not be approved after the fact.
  6. Subsequent to pre-approval by a majority of the full voting membership of the Board of Education, reimbursement of prospective employee travel expense shall be pre-approved by the Executive County Superintendent.
- D. Required Documentation for Travel (N.J.A.C. 6A:23A-7.5)
  1. The Board of Education requires the documentation listed in D.2. below to justify the number of employees attending an event and the benefits to be derived from their attendance;
  2. Neither the Superintendent or designee, nor the Board of Education shall approve a travel request unless it includes, at a minimum, the following information:
    - a. The name and date(s) of the event;
    - b. A list of Board members and/or employees to attend, either by name and title;
    - c. The estimated cost associated with travel;
    - d. A justification and brief statement that includes the primary purpose for the travel, the key issues that will be addressed at the event, and their relevance to improving instruction or the operation of the school district.
      - (1) For training events, the statement must include whether the training is for a certification required for continued employment, continuing education



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requirements, requirements of Federal or State law, or other purpose related to the programs and services currently being delivered or soon to be implemented in the school district; or related to school district operations;

- e. The account number and funding source - Federal, State, private, or local; and
- f. For annual events, the total attendance and cost for the previous year.

- 3. The school district shall maintain documentation on file that demonstrates compliance with the Board of Education's travel policy, including travel approvals, reports, and receipts for all school district funded expenditures, as appropriate.

## E. School Business Administrator/Board Secretary Responsibilities Regarding Accounting for Travel (N.J.A.C. 6A:23A-7.6)

- 1. The School Business Administrator/Board Secretary or designee shall prepare itemized travel budgets by function and object of expense for each cost center, department, or location maintained in the school district's accounting system, as applicable, as part of the preparation of and documentation for the annual school district budget.
  - a. The aggregate amount of all travel budgets shall not exceed the Board of Education approved maximum travel expenditure amount for the budget year as required by N.J.A.C. 6A:23A-7.3.
- 2. The School Business Administrator/Board Secretary shall maintain separate accounting for school district travel expenditures, as necessary, to ensure compliance with the school district's maximum travel expenditure amount. The separate accounting tracking system may include, but need not be limited to, a separate or offline accounting of such expenditures or expanding the school district's accounting system. The tracking system shall be sufficient to demonstrate compliance with Policy and Regulation 6471 and N.J.A.C. 6A:23A-7, and shall be in a detailed format suitable for audit.



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3. The School Business Administrator/Board Secretary or designee shall review and approve the cost and supporting documentation required by N.J.A.C. 6A:23A-7 and submitted by the person(s) having incurred travel expense. The School Business Administrator shall not approve or issue payment of travel expenditures or reimbursement requests until all required documentation and information to support the payment has been submitted, and shall not approve any travel expenditure that, when added to already approved travel expenditures, would exceed the Board of Education approved maximum travel expenditure amount for the budget year.
4. The School Business Administrator/Board Secretary shall be responsible for the adequacy of documentation of transactions processed by his or her staff and the retention of the documentation to permit audits of the records.
5. A Board of Education employee, a Board member, or an organization shall not receive partial or full payment for travel and travel-related expenses in advance of the travel, pursuant to N.J.S.A. 18A:19-1 et seq. The payment of travel and travel-related expenses, including travel-related purchases for which a purchase order is not applicable, shall be made personally by a school district employee or Board member and reimbursed at the conclusion of the travel event. N.J.A.C. 6A:23A-7.6, Policy 6471, and this Regulation do not preclude the school district from paying the vendor directly with the proper use of a purchase order (for example, for registration, airline tickets, hotel).

#### F. Sanctions for Violations of Travel Requirements (N.J.A.C. 6A:23A-7.7)

1. A Board of Education that violates its established maximum travel expenditure, as set forth in N.J.A.C. 6A:23A-7.3, or that otherwise is not in compliance with N.J.A.C. 6A:23A-7 travel limitations, may be subject to sanctions by the Commissioner as authorized pursuant to N.J.S.A. 18A:4-23 and 24, including reduction of State aid in an amount equal to any excess expenditure pursuant to N.J.S.A. 18A:11-12 and 18A:7F-60.





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2. The staff member designated as the final approval authority for travel who approves any travel request or reimbursement in violation of N.J.A.C. 6A:23A-7 and Policy and Regulation 6471 shall reimburse the school district in an amount equal to three times the cost associated with attending the event, pursuant to N.J.S.A. 18A:11-12.
3. An employee or Board member who violates the provisions of N.J.A.C. 6A:23A-7 and Policy and Regulation 6471 shall be required to reimburse the school district in an amount equal to three times the cost associated with attending the event, pursuant to N.J.S.A. 18A:11-12.
4. In accordance with N.J.A.C. 6A:23A-7.7(d), there must be procedures to monitor compliance and application of the penalty, as outlined in N.J.A.C. 6A:23A-7.7, upon determination a violation has occurred after Board of Education payment of the event.
  - a. In addition to the annual audit test procedures to ensure compliance as required in N.J.A.C. 6A:23A-7.7(e) and F.5. below, the School Business Administrator/Board Secretary will designate a staff member to review travel payments that are being recommended to the Board for payment prior to Board approval and travel payments previously approved by the Board for payment and paid for any violations.
    - (1) In the event the annual audit test procedures or the review by the staff member designated by the School Business Administrator/Board Secretary determines a travel payment recommended to the Board for payment or a travel payment previously approved by the Board and was paid in violation of N.J.A.C. 6A:23A-7 and Policy and Regulation 6471, the school district auditor or the staff member designated by the School Business Administrator/Board Secretary shall inform the Superintendent of Schools of the violation in writing.



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- (2) The Superintendent shall determine if a violation of N.J.A.C. 6A:23A-7 requires a penalty in accordance with N.J.A.C. 6A:23A-7.7.
    - (3) If a violation is determined prior to payment or reimbursement of the travel event, the Superintendent may exclude application of any additional penalties.
  5. The annual audit conducted pursuant to N.J.S.A. 18A:23-1 shall include test procedures to ensure compliance with the Board of Education's policy and travel limitations set forth in this section and N.J.S.A. 18A:11-12.
- G. Prohibitive Travel Reimbursements (N.J.A.C. 6A:23A-7.8)
  1. The following types of expenditures are not eligible for reimbursement:
    - a. Subsistence reimbursement for one-day trips, except for meals expressly authorized by and in accordance with N.J.A.C. 6A:23A-7.12;
    - b. Subsistence reimbursement for overnight travel within the State, except where authorized by the Commissioner in accordance with N.J.A.C. 6A:23A-7.11;
    - c. Travel by Board members or employees whose duties are unrelated to the purpose of the travel event or who are not required to attend to meet continuing educations requirements or to comply with law or regulation;
    - d. Travel by spouses, civil union partners, domestic partners, immediate family members, and other relatives;
    - e. Costs for employee attendance for coordinating other attendees' accommodations at the travel event;



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- f. Lunch or refreshments for training sessions and retreats held within the school district, including in-service days and for employee participants traveling from other locations within the school district;
- g. Training to maintain a certification that is not required as a condition of employment (For example: CPE credits to maintain a CPA license if the employee is not required to be a CPA for continued school district employment);
- h. Charges for laundry, valet service, and entertainment;
- i. Limousine services and chauffeuring costs to, or during, the event;
- j. Car rentals, either utilized for airport transportation or transportation at a conference, convention, etc., unless absolutely necessary for the conduct of school district business. Justification shall accompany any request for car rentals. If approved, the most economical car rental is to be used, including the use of subcompacts and discounted and special rates. An example of the justified use of a car rental is when an employee is out of State, making inspections at various locations, and the use of public transportation is impracticable. When car rental is authorized, the employee shall not be issued an advance payment for the anticipated expense associated with the rental;
- k. Alcoholic beverages;
- l. Entertainment costs, including amusement, diversion, social activities, and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities);
- m. Gratuities or tips in excess of those permitted by Federal per diem rates;
- n. Reverse telephone charges or third party calls;



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- o. Hospitality rooms;
- p. Souvenirs, memorabilia, promotional items, or gifts;
- q. Air fare without documentation of quotes from at least three airlines and/or on-line services; and
- r. Other travel expenditures that are unnecessary and/or excessive.

## H. Travel Methods (N.J.A.C. 6A:23A-7.9)

1. For the purpose of section H. of this Regulation and N.J.A.C. 6A:23A-7.9, "transportation" means necessary official travel on railroads, airlines, shuttles, buses, taxicabs, rideshares, school district-owned or leased vehicles, and personal vehicles.
2. The purchase or payment of related transportation expenses shall be made by purchase order or personally by a school district employee or Board member and reimbursed at the conclusion of the travel event. An actual invoice or receipt for each purchase or expense shall be submitted with a claim for reimbursement.
3. Pursuant to Office of Management and Budget (OMB) Travel Circulars and N.J.A.C. 6A:23A-7.1 et seq., the following travel methods requirements shall apply:
  - a. Air and rail tickets shall be purchased via the Internet, if possible, using airline or online travel services such as Travelocity, Expedia, or Hotwire.
  - b. Air travel shall be authorized only when determined that it is necessary and advantageous to conduct school district business.
    - (1) The most economical air travel should be used, including the use of discounted and special rates.



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- (2) The following options should be considered when booking tickets:
  - (a) Connecting versus nonstop flights;
  - (b) Departing earlier or later compared to the preferred departure time;
  - (c) Utilizing alternative airports within a city, for example, Chicago, Illinois-Midway Airport versus O'Hare Airport;
  - (d) Utilizing alternative cities, for example, Newark versus Philadelphia;
  - (e) Utilizing "low cost" airlines; and
  - (f) Exploring alternate arrival and/or departure days.
- (3) No employee or Board member can earn benefits as a result of school district funded travel. Employees and Board members shall be prohibited from receiving "frequent flyer" or other benefits accruing from school district funded travel.
- (4) Airfare other than economy (that is, business or first class) shall not be fully reimbursed by the school district except when travel in such classes:
  - (a) Is less expensive than economy;
  - (b) Avoids circuitous routings or excessive flight duration; or
  - (c) Would result in overall transportation cost savings.



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- (5) All airfare other than economy and not covered by the above exceptions purchased by an employee or Board member shall be reimbursed only at the economy rate for the approved destination.
  - (6) Cost estimates on travel requests and associated authorizations shall be consistent with current airline tariffs, with consideration of available special fares or discounts, for the requested destination.
  - (7) Airline tickets shall not be booked until all necessary approvals have been obtained.
  - (8) Additional expenses over and above the authorized travel request shall be considered only for factors outside the purchaser's control. The burden of proof shall be placed upon the purchaser and any additional expenses incurred without sufficient justification and documentation, as determined by the School Business Administrator/Board Secretary, shall not be reimbursed.
  - (9) Justification shall accompany requests for airline ticket reimbursement when purchased by employees or Board members contrary to H.3.b.(1) through (8) above. Sufficient justification shall be considered only for factors outside the purchaser's control. Noncompliant purchases without sufficient justification shall not be reimbursed.
- c. Rail travel shall be authorized only when determined that it is necessary and advantageous to conduct school district business.
- (1) The most economical scheduling of rail travel shall be utilized, including excursion and government discounts, whenever applicable.



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- (2) The use of high-speed rail services, such as Acela, shall not be authorized.
  - (3) All rail travel shall be processed in the same manner as prescribed for air travel in H.3.b. above.
- d. Use of a school district-owned or -leased vehicle shall be the first means of ground transportation. Use of a personally owned vehicle on a mileage basis shall not be permitted for official business where a school district-owned or -leased vehicle is available.
- (1) Mileage allowance in lieu of actual expenses of transportation shall be approved by the Board and allowed at the rate authorized by the annual State Appropriations Act, or a lesser rate at the Board's discretion for an employee or Board member traveling by his or her personally owned vehicle on official business.
    - (a) If any condition in an existing negotiated contract is in conflict with the OMB Travel Circulars, such as the mileage reimbursement rates, the provisions of the existing contract shall prevail.
  - (2) Parking and toll charges shall be allowed in addition to mileage allowance.
  - (3) Reimbursement for travel to points outside the State by automobile shall be permitted when such arrangements prove to be more efficient and economical than other means of public transportation.
  - (4) In determining the relative costs of private and public transportation, all associated costs (that is, tolls, taxicabs, airport or station transfers, etc.) shall be considered.



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- (5) All employees and Board members using privately owned cars in the performance of their duties for the school district shall present a New Jersey Insurance Identification Card indicating that insurance coverage is in full force and effect with companies approved by the State Department of Banking and Insurance. The card shall be made available to the Superintendent or designee before authorization to use privately owned cars.
- (6) Employees and district Board members who are out-of-State residents shall provide appropriate insurance identification in lieu of the New Jersey Insurance Identification Card.
- e. School district-owned or -leased vehicles shall be utilized in accordance with N.J.A.C. 6A:23A-6.12.
- f. Necessary taxicab or rideshare charges shall be permitted. However, travel to and from airports, downtown areas, and between hotel and event site shall be confined to regularly scheduled shuttle service, whenever such service is complimentary or is less costly. If shuttle service is not available, taxicabs or rideshares may be used.
- g. Cruises shall not be permitted for travel events or transportation.

## I. Routing of Travel (N.J.A.C. 6A:23A-7.10)

- 1. Pursuant to State travel guidelines as established by the New Jersey Department of the Treasury, Office of Management and Budget, and presented in the OMB Travel Circulars:
  - a. All travel shall follow the most direct, economical, and usually traveled route. Travel by other routes as a result of official necessity shall be eligible for payment or reimbursement only if satisfactorily established in advance of such travel.





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- b. If a person travels by indirect route for personal convenience, the extra expense shall be borne by the individual.
- c. Reimbursement for expenses shall be based only on charges that do not exceed what would have been incurred by using the most direct, economical, and usually traveled route.

## J. Subsistence Allowance – Overnight Travel (N.J.A.C. 6A:23A-7.11)

1. Pursuant to the State travel guidelines as established by the New Jersey Department of the Treasury, Office of Management and Budget, and presented in the OMB Travel Circulars, one-day trips that do not involve overnight lodging shall not be eligible for subsistence reimbursement, except for meals expressly authorized by and in accordance with the provisions of N.J.A.C. 6A:23A-7.12.
2. Pursuant to the OMB Travel Circulars, generally, overnight travel shall not be eligible for subsistence reimbursement if travel is within the State. Overnight travel is permitted if it is authorized pursuant to 3. below, or is a required component by the entity issuing a grant, donation, or other funding agreement with the school district. The specific required overnight in-State travel event shall be detailed in the final grant, donation, or other fund acceptance agreement along with the number of authorized travelers and total cost. All reimbursements shall be subject to N.J.A.C. 6A:23A-7 unless the funding acceptance agreement specifies otherwise.
3. Pursuant to the State travel regulations as established by the New Jersey Department of the Treasury, Office of Management and Budget, and presented in the OMB Travel Circulars, the Commissioner shall be authorized to grant waivers for overnight travel for Board members and school district employees to attend in-State conferences.



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- a. Such waivers will be granted in only extremely limited circumstances when the sponsoring organization can demonstrate the conference is broad and multi-disciplinary in scope, incorporates content offerings from numerous specialty areas, and includes important professional development opportunities and/or required training.
- b. The sponsoring organization shall demonstrate the conference's content, structure, scheduling, and anticipated attendance necessitate that it be held on multiple consecutive days with overnight lodging. When such waivers are granted, individual school districts or individuals shall not be required to submit waiver requests for attendance at these conferences.
- c. Sponsors of in-State conferences may submit to the Commissioner a request for a waiver of this prohibition by providing information regarding the conference as follows:
  - (1) The name and dates of the event;
  - (2) Justification for the length of the conference and the necessity to hold events for each day beyond the first day of the conference;
  - (3) Identification of all other conferences sponsored or co-sponsored by the organization (whether single or multi-day) in the previous year;
  - (4) A description of the target audience by position title and/or educational certificate and endorsement;
  - (5) Justification of the importance of the target audience attending the event;
  - (6) The cost of registration;



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- (7) A detailed list and description of any activities to be charged to the participants by the sponsor separate from the registration fee, such as luncheons, workshops, entertainment, etc., including:
    - (a) The cost of the activity;
    - (b) Whether participation is mandatory or voluntary; and
    - (c) The purpose such as social, guest speaker, working session, etc.
  - (8) A copy of agenda or program for the event;
  - (9) A brief statement that includes the primary purpose of the event, the key issues that will be addressed at the event, and their relevance to improving instruction or the operation of a school or school district;
  - (10) For training events, whether the training is needed for a certification required for continued employment, continuing education requirements, or requirements of Federal or State law; and
  - (11) For annual events, total attendance, and registration cost for the previous year.
4. If a waiver of the prohibition on overnight travel is granted pursuant to N.J.A.C. 6A:23A-7.11, it shall permit reimbursement for travel expenses only for individuals whose home-to-convention commute exceeds fifty miles.
5. Overnight travel within the State shall not be eligible for subsistence reimbursement if travel is on the day prior to the start of the conference. Reimbursement shall be prohibited for lodging prior to check-in time for the first day of the event or after check-out time on the last day of the event.



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6. The United States General Services Administration publishes a schedule of Federal per diem rates in the Federal Register for approved overnight travel by the event location. The latest Federal per diem rates schedule for lodging, meals, and incidental expenses by location can be found at [www.gsa.gov](http://www.gsa.gov). The following restrictions apply to allowable per diem reimbursements:
  - a. Allowable per diem reimbursement for lodging, meals, and incidentals shall be actual reasonable costs, not to exceed the Federal per diem rates for the event location. Registration and conference fees are not subject to the Federal per diem rate caps. If the event location is not listed, the maximum per diem allowance shall be equal to the standard Continental United States (CONUS) per diem rates published by the General Services Administration for meals, incidental expenses, and lodging.
  - b. Pursuant to N.J.S.A. 18A:11-12.o., reimbursement for lodging expenses for overnight travel, out-of-State or in-State as authorized by the Commissioner, may exceed the Federal per diem rates if the hotel is the site of the convention, conference, seminar, or meeting and the going rate of the hotel is in excess of Federal per diem rates.
    - (1) If the hotel at the site of the current travel event is not available, lodging may be paid for similar accommodations at a rate not to exceed the hotel rate at the site of the current event.
    - (2) If there is no hotel at the site of the current travel event (for example, Atlantic City Convention Center), then reimbursement for lodging shall not exceed the Federal per diem rate.
  - c. If the meal is not part of a one-sum fee for a travel event, reimbursement may be approved for the full cost of an official convention meal that the employee or Board member attends, when such meal is scheduled as an integral part of the convention or conference proceedings. Receipts shall be submitted to obtain reimbursement in such situations. The amount of the Federal per diem rate for the corresponding meal shall be deducted from that day's subsistence allowance.



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- d. The allowance for a meal(s) or incidentals shall not be eligible for reimbursement when included and paid in the registration fee, the cost of lodging, or transportation charge.
  - e. Receipts shall be required for all hotel and incidental expenses. Meal expenses under the Federal per diem allowance limits shall not require receipts pursuant to N.J.S.A. 18A:11-12.o.(3), unless required by the Board of Education.
  - f. If the total per diem reimbursement is greater than the Federal per diem rates, the costs shall be considered excessive in the absence of substantial justification accompanying the travel voucher submitted by the employee or district Board member. In such cases, receipts shall be submitted for all costs, including meals.
  - g. Employees and Board members shall patronize hotels and motels that offer special rates to government employees unless alternative lodging offers greater cost benefits or is more advantageous to the conduct of school district business.
  - h. Actual subsistence expenses shall not be reimbursable if paid by the traveler to a member of his or her family, to another school district employee, or to a family member of another school district employee.
- K. Meal Allowance – Special Conditions – and Allowable Incidental Travel Expenditures (N.J.A.C. 6A:23A-7.12)
- 1. Meals for in-State travel shall not be eligible for reimbursement except as expressly authorized within N.J.A.C. 6A:23A-7.
  - 2. A meal allowance may be provided to employees or Board members in relation to one-day, out-of-State trips required for school business purposes that do not require an overnight stay. The reimbursement for breakfast, lunch, and/or dinner



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shall not exceed the amounts authorized in State travel regulations as published by the New Jersey Department of the Treasury, Office of Management and Budget, and presented in the OMB Travel Circulars.

3. Lunch for off-site training sessions may be authorized for an amount up to \$7 per person only when it is necessary that employees or Board members remain at a site other than their school district and there are no viable options for lunch at the off-site location.
  - a. Per N.J.S.A. 18A:11-12.a.(1)(d), employee and Board member retreats shall be held onsite unless there is no school district site available.
  - b. If lunch is included in a lump-sum registration fee for an off-site training session, the full amount is eligible for reimbursement, if reasonable. Providing lunch for on-site staff meetings and in-service days or for employees who come from other parts of the school district shall not be permitted. (See K.4. below.)
  - c. Refreshments for breaks may also be provided at training sessions held at a site other than the school district.
4. Subsistence expenses for an employee or Board member shall not be allowed within the school district or within a radius of ten miles thereof, except for meals expressly authorized by and in accordance with N.J.A.C. 6A:23A-7.12. Non-allowed expenses include, but are not limited to, meals and refreshments for on-site staff meetings and in-service days.
5. Reimbursement may be approved for the cost of an official luncheon or dinner, up to \$10 and \$15, respectively, that an employee or Board member is authorized to attend, if the meal is scheduled as an integral part of an official proceeding or program related to school district business and the employee's or Board member's responsibilities.



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- a. School district business above refers to the management operations of the school district and does not refer to activities that benefit students and are part of the instructional program. Pursuant to N.J.A.C. 6A:23A-5.8(b)4, all reasonable expenditures related to school district employees that are essential to the conduct of a student activity are permitted.
6. Regular meetings, special meetings, and work sessions of the Board of Education shall be limited to light meals and refreshments for all Board members.
  - a. The meals may be served to employees who are required to attend the event and if it is impractical for the employee to commute to and from his or her residence between the end of the work day and the beginning of the event, or if the employee is required to remain at the school district to prepare for the event.
  - b. The school district shall acquire the light meals and refreshments by the solicitation of quotes, if required pursuant to N.J.S.A. 18A:18A-1 et seq.
  - c. If the school district's food service program can prepare comparable meals at a lower cost, the food service program shall be used.
  - d. The average cost per meal shall not exceed \$10.
  - e. The school district shall purchase or prepare food that is sufficient to provide each district Board member, dignitary, non-employee speaker, or allowable staff member one meal. Meals should be carefully ordered to avoid excess. Unintended left over food should be donated to a charitable shelter or similar facility, if at all possible.
7. Reimbursement may be approved for allowable telephone and incidental travel expenses that are essential to transacting official business.



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- a. Charges for telephone calls on official business may be allowed. The voucher shall show the dates on which such calls were made, the points between which each call was made, and the cost per call.
- b. Employees and Board members using their personally owned telephone for business may request reimbursement, less Federal Communications Tax. Calls for business are tax exempt and the telephone company will make allowances for the tax if the employee or Board member certifies to the telephone company when paying bills for personally owned phones that said calls were business calls.
- c. Incidental expenses, defined as "non-meal tips" by the State travel regulations, when necessarily incurred by the traveler in connection with the transaction of official business, may be submitted for reimbursement only when the necessity and nature of the expense are clearly and fully explained on the travel voucher and the voucher is approved. Travel vouchers shall be supported by receipts showing the quantity and unit price.

## L. Records and Supporting Documents (N.J.A.C. 6A:23A-7.13)

1. All persons authorized to travel on business shall keep a memorandum of expenditures chargeable to the school district, noting each item at the time and date the expense is incurred.
2. The travel voucher shall be completed by the employee or Board member to document the details of the travel event. The travel voucher shall be signed by the employee or Board member to certify the validity of the charges for which reimbursement is sought. The form also shall bear the signatures of approval officials for processing.
3. Sufficient documentation shall be maintained centrally by the school district to support payment and approval of the travel voucher.





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4. In addition to the documentation required for reimbursement, each person authorized to travel shall submit a brief report that includes the primary purpose for the travel, the key issues addressed at the event, and their relevance to improving instruction or the operations of the school district. This report shall be submitted prior to receiving reimbursement.
5. Documentation for requests for travel reimbursement shall show:
  - a. The date(s) and individual points of travel, number of miles traveled between such points, and kind of conveyance used;
  - b. If the distance traveled between individual points is greater than the usual route between the points, the reason for the greater distance shall be stated;
  - c. The hours of the normal work day and actual hours worked shall be shown when requesting meal reimbursement for non-overnight travel;
  - d. Original receipts shall be required for all reimbursable expenses, except for meals that qualify for per diem allowances and for parking meters;
  - e. Actual vendor receipts for personal credit card charges shall be attached to reimbursement requests. Credit card statements shall not be accepted as documentation of expenses;
  - f. Personal charges on a hotel bill shall be deducted and shown on the bill;
  - g. When lodging is shared jointly, the fact shall be stated on the travel voucher;
  - h. Where travel is not by the most economical, usually traveled route, the employee or Board member reimbursement request shall set forth the details of the route, the expenses actually incurred, the hour of departure, the hour of arrival, and an explanation for the use of costlier travel arrangements;



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School District Travel Procedures

- i. When travel is authorized for the employee's or Board member's own automobile on a mileage basis, the points between which travel was made, and the distance traveled between each place shall be shown. A statement as to ownership of the auto or other conveyance used, as well as a certification that liability insurance is in effect, shall be documented;
    - j. Reimbursement requests shall be supported by other receipts as required;
    - k. The voucher shall be itemized; and
    - l. Reimbursement requests shall be rendered monthly when in excess of \$25. Travel for a single travel event shall be reported as soon as possible after the trip.
  - 6. All outstanding travel vouchers for the school year ending June 30 shall be submitted as soon as possible after June 30 regardless of amount, notwithstanding 5.l. above.
  - 7. Travel mileage reimbursement requests of the just-completed school year that are not submitted by July 30 or the date approved by the school district for the closing of books, whichever is earlier, for the just-completed school year shall not be approved or paid.
- M. Out-of-State and High-Cost Travel Events (N.J.A.C. 6A:23A-5.9)
- 1. Reimbursement for all in-State and out-of-State travel shall be made pursuant to N.J.S.A. 18A:11-12.
  - 2. Out-of-State travel events shall be limited to the fewest number of Board members or affected employees needed to acquire and present the content offered to all Board members or staff, as applicable, at the conclusion of the event. Lodging may be provided only if the event occurs on two or more consecutive days and if home-to-event commute exceeds fifty miles.



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School District Travel Procedures

3. When a travel event has a total cost that exceeds \$5,000, regardless of the number of attendees, or when more than five individuals from the school district are to attend a travel event out-of-State, the school district shall obtain prior written approval of the Executive County Superintendent.
  - a. The Executive County Superintendent shall promptly review the request and render a written decision within ten business days.
4. For all employee and Board member travel events out of the country, regardless of cost or number of attendees, the school district shall obtain prior written approval of the Executive County Superintendent.
  - a. Such requests shall be supported by detailed justification.
  - b. The Executive County Superintendent shall promptly review the request and render a written decision within ten business days.
  - c. It is expected that approvals will be rare.

Adopted:



# POLICY GUIDE

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Eligibility of Resident/Nonresident Students

Aug 21

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[See **POLICY ALERT** Nos. 189, 208, 217, 220, and 224]

## 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The Board of Education shall admit to its schools, free of charge, persons over five and under twenty years of age, pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education.

### Eligibility to Attend School

The Board shall admit students eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1.

A child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in a time of war or national emergency shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child in accordance with N.J.A.C. 6A:22-3.2. A student is only eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 if the student's parent or guardian files, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student must file, if so required by the Board of Education, a sworn statement that he or she: is domiciled within the school district; is supporting the child without remuneration and intends to do so for a time longer than the school term; will assume all personal obligations for the



# POLICY GUIDE

## STUDENTS

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### Eligibility of Resident/Nonresident Students

student relative to school requirements; and provides a copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner. Pursuant to N.J.S.A. 18A:38-1.c., any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.b. if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year during which the parent or guardian returns from active military duty.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.d. if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of a student attending the school district of temporary residence. When one of a student's parents or guardians temporarily resides in the school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with the criteria of N.J.A.C. 6A:22-3.1(a)1.i.

A student is eligible to attend this school district free of charge:

1. If the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2 - Education of Homeless Children;
2. If the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2;



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## STUDENTS

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### Eligibility of Resident/Nonresident Students

3. If the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district, pursuant to N.J.S.A. 18A:38-3.b. The school district shall not be obligated for transportation costs; and
4. If the student resides on Federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year ~~in~~ pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h). If the student remains enrolled in the school district for the remainder of the school year, the school district shall provide transportation services to the student, provided the student lives remote from school, and the State shall reimburse the school district for the cost of the transportation services. Nothing in N.J.S.A. 18A:38-1.1 shall be construed to affect the rights of homeless students pursuant to N.J.S.A. 18A:7B-12, N.J.S.A. 18A:7B-12.1, or any other applicable State or Federal law.

**If the district of residence cannot be determined according to the criteria contained in N.J.S.A. 18A:7B-12; if the criteria contained in N.J.S.A. 18A:7B-12 identify a district of residence out of the State; or if the child has resided in a domestic violence shelter, homeless shelter, or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child in accordance with N.J.S.A. 18A:7B-12.d.**

A student's eligibility to attend this school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.

Except as set forth in N.J.A.C. 6A:22-3.3(b)1., immigration/visa status shall not affect eligibility to attend school and the school district shall not condition enrollment in the school district on immigration status. A student's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111.



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Eligibility of Resident/Nonresident Students

## Proof of Eligibility

The Board of Education shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.A.C. 6A:22-3.4. The Board of Education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.

The Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school as outlined in N.J.A.C. 6A:22-3.4(d). The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) or pertinent parts thereof if voluntarily disclosed by the applicant. The Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

In the case of a dispute between the school district and the parent of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.S.A. 18A:38-1.3. The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.

## Registration Forms and Procedures for Initial Assessment

Registration and initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1. The Board of Education shall use Commissioner-provided registration forms or locally developed forms that are consistent with the forms provided by the Commissioner. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.



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## STUDENTS

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### Eligibility of Resident/Nonresident Students

Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.

When a student appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for the purposes of ensuring compliance with compulsory education law, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.





# POLICY GUIDE

## STUDENTS

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### Eligibility of Resident/Nonresident Students

Enrollment or attendance at the school shall not be conditioned on advance payment of tuition when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2, Education of Homeless Children. Enrollment or attendance in the school district shall not be denied based upon the absence of the certified copy of the student's birth certificate or other proof of a student's identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.

Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.

When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.

#### Notice of Ineligibility

When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4 et seq. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside. Notices of ineligibility shall include information as outlined in N.J.A.C. 6A:22-4.2.



# POLICY GUIDE

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Eligibility of Resident/Nonresident Students

## Removal of Currently Enrolled Students

Nothing in N.J.A.C. 6A:22 et seq. and this Policy shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.

When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal in accordance with the provisions of N.J.A.C. 6A:22-4.3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student" (as defined in N.J.A.C. 6A:22-1.2) has been informed of his or her entitlement to a hearing before the Board of Education. Once the hearing is held, or if the parent, guardian, adult student or resident keeping an "affidavit student", does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board or a

Board Committee, at the discretion of the full Board. If the hearing(s) is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. No student may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

## Appeal to the Commissioner

An applicant may appeal to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of "affidavit student" eligibility determinations shall be filed by the resident keeping the student.



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Eligibility of Resident/Nonresident Students

## Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of an ineligibility determination, the Board of Education may assess tuition, for up to one year of a student's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 et seq. If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.

If an appeal to the Commissioner is filed and the petitioner does not sustain the burden of demonstrating the student's right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition in accordance with the provisions of N.J.A.C. 6A:22-6.2(a). Upon the Commissioner's finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2.

## Nonresident Students

The admission of a nonresident student to school free of charge must be approved by the Board. No student otherwise eligible shall be denied admission on the basis of the student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship and discipline.

## Children Who Anticipate Moving to or from the District

A nonresident student otherwise eligible for attendance whose parent or guardian anticipates school district residency and has entered a contract to buy, build, or rent a residence in this school district may be enrolled with



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## STUDENTS

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### Eligibility of Resident/Nonresident Students

payment of tuition for a period of time not greater than six weeks prior to the anticipated date of residency. If any such student does not become a resident of the school district within six weeks after admission to school, tuition will be charged for attendance commencing the beginning of the first week and until such time as the student becomes a resident or withdraws from school.

Students whose parent or guardian have moved away from the school district on or after May 15 and twelfth grade students whose parent or guardian have moved away from the school district on or after May 1 will be permitted to finish the school year in this school district without payment of tuition.

#### Children of District Employees

Children of Board of Education employees who do not reside in this school district may be admitted to school in this district with payment of tuition, provided that the educational program of such children can be provided within school district facilities. Staff members, whose employment in the Somerset Hills District began prior to July 1, 2005, may have their children attend the Somerset Hills Schools free of charge with the recommendation of the Superintendent of Schools and the approval of the Board of Education. A written request must be made to the Superintendent of Schools prior to attendance. The Board of Education will not be responsible for providing transportation for the children of nonresident staff members.

#### Other Nonresident Students

Other nonresident students, otherwise eligible for attendance may be admitted to this school district with payment of tuition and Board approval.

#### F-1 Visa Students

The school district is not required to, but may permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance



# POLICY GUIDE

## STUDENTS

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### Eligibility of Resident/Nonresident Students

payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. A F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with supporting documentation as determined by the Superintendent or designee. A student with a F-1 Visa must be approved by the Board for attendance in the school district. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.

#### J-1 Visa Students

The school district is not required to, but may permit the attendance of J-1 Visa students into the school district. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with supporting documentation as determined by the Superintendent or designee. A student with a J-1 Visa must be approved by the Board for attendance in the school district and shall not pay tuition. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.

N.J.S.A. 18A:38-1 ~~et seq.~~; **18A:38-1.1**; 18A:38-1.3; 18A:38-3;  
18A:38-3.1; **18A:7B-12**

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-~~1.1 et seq.~~  
8 CFR 214.3

Adopted:



# POLICY GUIDE

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Federal Awards/Funds Internal Controls –

Allowability of Costs

Aug 21

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[See POLICY ALERT No. 224]

## 6115.01 FEDERAL AWARDS/FUNDS INTERNAL CONTROLS – ALLOWABILITY OF COSTS

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.302(b)(7) requires written procedures for determining the allowability of costs in accordance with 2 CFR §200 – Cost Principles. Determining the allowability of costs shall be in accordance with the requirements outlined in 2 CFR §200.403 – Factors Affecting Allowability of Costs. The School Business Administrator/Board Secretary or designee shall be responsible for determining the allowability of costs are in accordance with the provisions of 2 CFR §200.403.

The following procedures shall be used to determine the allowability of costs in accordance with 2 CFR §200.403:

Except where otherwise authorized by statute, the School Business Administrator/Board Secretary or designee will ensure costs meet the following general criteria in order to be allowable under Federal awards:

1. Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.
2. Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
3. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the non-Federal entity.
4. Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.



# POLICY GUIDE

## FINANCES

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### Federal Awards/Funds Internal Controls – Allowability of Costs

5. Be determined in accordance with Generally Accepted Accounting Principles (GAAP), except for State and local governments, which includes school districts, as otherwise provided for in 2 CFR §200.403.
6. Not be included as a cost or used to meet cost sharing or matching requirements of any other Federally-financed program in either the current or a prior period. (See also 2 CFR §200.306 – Cost Sharing or matching 2. above).
7. Be adequately documented. (See also 2 CFR §200.300 – Statutory and National Policy Requirements through 2 CFR §200.309 – Period of Performance).

In the event the School Business Administrator/Board Secretary or designee is not sure if a cost is allowable under 2 CFR Subpart E - §200.403, the School Business Administrator/Board Secretary or designee will contact the New Jersey Department of Education or the United States Department of Education for assistance.

2 CFR §200.302(b)(7)  
2 CFR §200.403

Adopted:



# POLICY GUIDE

FINANCES

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Federal Awards/Funds Internal Controls –

Mandatory Disclosures

Aug 21

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[See **POLICY ALERT No. 224**]

## 6115.02 FEDERAL AWARDS/FUNDS INTERNAL CONTROLS – MANDATORY DISCLOSURES

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.113 – Mandatory disclosures requires a non-Federal entity or applicant (a New Jersey Board of Education) for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or to the New Jersey Department of Education all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

If the Board of Education receives a Federal award including the terms and conditions outlined below as per 2 CFR §200 – Appendix XII – Award Term and Condition for Recipient Integrity and Performance Matters shall report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM). Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 - Remedies for noncompliance, including suspension or debarment. (See also 2 CFR §180, 31 USC 3321, and 41 USC 2313)

### A. General Reporting Requirement

1. If the total value of all Board of Education currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the Superintendent or designee, on behalf of the Board of Education as the recipient during that period of time, must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system about civil, criminal, or administrative proceedings described in B. below.
2. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 USC 2313).





# POLICY GUIDE

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### Federal Awards/Funds Internal Controls – Mandatory Disclosures

3. As required by section 3010 of Public Law 111-212, all information posted in designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
- B. Proceedings About Which the Board of Education Must Report
1. The Superintendent or designee must disclose to the Federal awarding agency or to the New Jersey Department of Education information required about each proceeding that:
    - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
    - b. Reached its final disposition during the most recent five-year period; and
    - c. Is one of the following:
      - (1) A criminal proceeding that resulted in a conviction, as defined in E. below;
      - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
      - (3) An administrative proceeding, as defined in E. below, that resulted in a finding of fault and liability and the payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
      - (4) Any other criminal, civil, or administrative proceeding if:



# POLICY GUIDE

## FINANCES

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### Federal Awards/Funds Internal Controls – Mandatory Disclosures

- (a) It could have led to an outcome described in B.1.c.(1), (2), or (3) above of this award term and condition;
- (b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the school district's part; and
- (c) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

#### C. Reporting Procedures

- 1. The Superintendent or designee shall enter in the SAM Entity Management area the information that the SAM requires about each proceeding described in B. above.
- 2. The Superintendent or designee does not need to submit the information a second time under assistance awards the Board of Education received if the Superintendent or designee already provided the information through the SAM because the Board of Education was required to do so under Federal procurement contracts the Board of Education was awarded.

#### D. Reporting Frequency

- 1. During any period of time when the Board of Education is subject to the requirement in A. above, the Superintendent or designee must report proceedings information through the SAM for the most recent five year period, either to report new information about any proceeding(s) the Board of Education has not reported previously or affirm that there is no new information to report.
- 2. If the Board of Education has Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000, the Board of Education must disclose semiannually any information about the criminal, civil, and administrative proceedings.



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Federal Awards/Funds Internal Controls –  
Mandatory Disclosures

## E. Definitions

### 1. For purposes of this Policy:

- a. “Administrative proceeding” for the purposes of 2 CFR §200 - Appendix XII and this Policy means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability. This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. “Conviction” for the purposes of 2 CFR §200 - Appendix XII and this Policy, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes:
  - (1) Only the Federal share of the funding under any Federal award with a Board of Education cost share or match; and
  - (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

2 CFR §200.113

Adopted:



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Federal Awards/Funds Internal Controls –

Conflict of Interest

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[See **POLICY ALERT No. 224**]

## 6115.03 FEDERAL AWARDS/FUNDS INTERNAL CONTROLS – CONFLICT OF INTEREST

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.318 – General Procurement Standards addresses standards of conduct covering conflict of interest and governs the actions of school district employees, officers, and agents in the selection, award, and administration of contracts supported by a Federal award.

The Board of Education must use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to the applicable Federal law and the standards identified in 2 CFR §200.

The Board of Education must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

The Board of Education must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts supported by a Federal award.

1. No employee, officer, or agent of the Board of Education may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.
  - a. Such a conflict of interest would arise when a Board of Education employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.



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### Federal Awards/Funds Internal Controls – Conflict of Interest

2. The Board of Education officers, employees, and agents must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
3. However, a Board of Education may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
4. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

The Board of Education's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the Board of Education is encouraged to enter into State and local intergovernmental agreements or inter-entity agreements where appropriate for procurement of use of common or shared goods and services.

The Board of Education is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

The Board of Education is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

The Board of Education must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. (See also 2 CFR §200.213 – Suspension and Debarment).



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### Federal Awards/Funds Internal Controls – Conflict of Interest

The Board of Education must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

The Board of Education may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a Board of Education is the sum of:

1. The actual cost of materials; and
2. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since the time and material formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the Board of Education awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

The Board of Education alone must be responsible, in accordance with good administrative practice and sound business judgement, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the Board of Education of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgement for that of the Board of Education unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

The Board of Education and its employees shall be required to comply with all New Jersey statutes and administrative codes regarding school ethics and internal controls.

2 CFR §200.318

Adopted:



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Contracts for Goods or Services Funded by  
Federal Grants

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[See POLICY ALERT Nos. 192, 221 and 224]

## 6311 CONTRACTS FOR GOODS OR SERVICES FUNDED BY FEDERAL GRANTS

Any vendor providing goods or services to the school district to be funded by a Federal grant must be cleared for contract in accordance with the provisions of the **Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.213 – Suspension and Debarment** ~~Federal Acquisition Regulations (FAR) Subpart 9.4 – Debarment, Suspension, and Ineligibility.~~

The School Business Administrator/Board Secretary shall be responsible to check the web-based **System for Award Management (SAM)** ~~Excluded Parties Lists System (EPLS)~~ maintained by **the United States government** - the General Services Administration (GSA). The purpose of the **SAM EPLS** is to provide a single comprehensive list of individuals and firms excluded by Federal government agencies from receiving Federal contracts or Federally approved contracts or Federally approved subcontracts and from certain types of Federal financial and nonfinancial assistance and benefits.

The School Business Administrator/Board Secretary, upon opening of bids or upon receipt of proposals for goods or services to be funded by a Federal grant shall ~~access review~~ the **SAM EPLS** to determine if the vendor has been disbarred, suspended, or proposed for disbarment. The School Business Administrator/Board Secretary shall also ~~access review~~ the **SAM EPLS** list immediately prior to the award of a bid or contract to ensure that no award is made to a vendor on the list.

In the event a vendor under consideration to be awarded a bid or contract for goods or services to be funded by a Federal grant is on the **SAM EPLS** list or proposed for disbarment, the School Business Administrator/Board Secretary shall comply with the contracting restrictions as outlined in **2 CFR §200 FAR** ~~Subpart 9.405.~~



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Contracts for Goods or Services Funded by  
Federal Grants

Continuation of current contracts and restrictions on subcontracting with vendors who are on the **SAM EPLS** list or proposed for disbarment shall be in accordance with the limitations as outlined in **2 CFR §200 FAR Subparts 9.405.1 and 9.405.2.**

Any rejection of a bid or disqualification of a vendor who has been disbarred, suspended, or proposed for disbarment shall be consistent with the requirements as outlined in N.J.S.A. 18A:18A – Public School Contracts Law and all applicable State laws.

~~Federal Acquisition Regulations (FAR) Subpart 9.4~~ **2 CFR §200**

Adopted:

