

WORKSESSION – NOVEMBER 7, 2005

The Worksession Meeting was called to order at 7:35 P.M. in the High School Cafeteria by President Cevasco with the Pledge of Allegiance to the Flag. On roll call the following members were present: Mrs. Ahmed, Mr. Casadonte, Mr. Jasko, Mrs. Jones, Mr. McLean, Mrs. Monahan, Mr. Novosielski, Mrs. Williams and Mrs. Cevasco. Mrs. Conlon and Mr. Brown were also present for the meeting.

N.J. OPEN PUBLIC MEETINGS LAW

The New Jersey Open Public Meetings Law was enacted to ensure the right of the public to have advance notice of and to attend the meeting of public bodies at which any business affecting their interests is discussed or acted upon. In accordance with the provisions of this Act, the Rutherford Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted on the bulletin board outside the Borough Clerk's Office, mailed to the News Leader, Herald, South Bergenite, and the Record newspapers, and filed with the Borough Clerk.

TAPING AND BROADCASTING OF MEETINGS

As approved by the Rutherford Board of Education, we are taping and broadcasting our worksessions and regular meetings. These meetings will be broadcast without editing during a two-hour time segment on Tuesday evenings at 8:00 PM on the Comcast public access channel. At the conclusion of the two-hour segment, the broadcast will end regardless of what part of the meeting is currently being viewed due to the Comcast time constraint. Any member of the public who wishes to view the two-hour tape should make a written request to the Board Secretary who will have a copy of the tape made available within two weeks of the request. There will be a nominal fee charged for this tape reproduction. We welcome comments from residents viewing the broadcast.

MINUTES APPROVAL

1A. Resolution by Mr. Novosielski, seconded by Mrs. Williams.

BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION that the minutes of the Regular Meeting of October 17, 2005 be approved as recorded.

Roll Call Vote:

Mrs. Ahmed – abstain	Mr. Jasko – aye	Mrs. Monahan – aye
Mr. Casadonte – aye	Mrs. Jones – aye	Mr. Novosielski – aye
Mrs. Cevasco – aye	Mr. McLean – aye	Mrs. Williams – aye

SPECIAL PRESENTATIONS:

- Exchange Student – Mrs. Barbara Jones
- Language Arts Literacy – Mrs. Lori Dernelle and Ms. Lorraine Lewis
- Audit Report FY2004-2005 – Mr. Robert Stewart

REPORT OF THE PRESIDENT

REPORT OF THE STUDENT REPRESENTATIVE TO THE BOARD – Philip Zaorski

MEETING OPEN TO THE PUBLIC (Action Items Only) 8:55 No comments made.

NEW BUSINESS (Action to be Taken)

PERSONNEL:

Motion by Mrs. Ahmed, seconded by Mrs. Jones to approve Personnel Items #1A and #2A.

EMERGENT HIRES

1A. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ the following applicant(s) under the emergent hiring law as per the State Department of Education:

Susan Shortino - Clerical Assistant
Danica Miller - Substitute Teacher
Erin Vogel - Substitute Teacher
Manuela Duroy - Lunch Monitor
Thomas Cassella - Substitute Teacher

ADRIENNE DEL ROSSO

2A. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve an unpaid personal leave for Ms. Adrienne DelRosso under the Family Leave Act effective 11/1/05 through 12/1/05 to care for a family member who is ill.

Roll Call Vote Personnel Items #1A and #2A:

Mrs. Ahmed – aye	Mr. Jasko – aye	Mrs. Monahan – aye
Mr. Casadonte – aye	Mrs. Jones – aye	Mr. Novosielski – aye
Mrs. Cevasco – aye	Mr. McLean – aye	Mrs. Williams – aye

JAMES NOORIGIAN

3A. Motion by Mrs. Ahmed seconded by Mrs. Williams to accept, with regret, the retirement of Mr. James Noorigian, Social Studies Supervisor, effective 1/1/06.

Approved.

FINANCE:

APPROVAL OF BILLS:

1A. Resolution by Mr. Jasko, seconded by Mr. Novosielski.

BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION that the bills listed below be approved.

Accounts Payable	\$206,343.79
Offline Checks	1,993.40
Payroll	1,000,096.77
General Activities	6,008.52
Total	\$1,214,442.48

Roll Call Vote Finance Item #1A:

Mrs. Ahmed – aye	Mr. Jasko – aye	Mrs. Monahan – aye
Mr. Casadonte – aye	Mrs. Jones – aye	Mr. Novosielski – aye
Mrs. Cevasco – aye	Mr. McLean – aye	Mrs. Williams – aye

NEW BUSINESS: (Action will not be taken)

PERSONNEL:

Chairperson Ahmed reported on the meeting of the Personnel Committee and items to be acted upon at the November 14, 2005 regular meeting.

PERSONNEL:

Motion to move the following resignations, retirements, salary adjustments, reassignments, appointments, etc., pending approval from the State Department of Education, subject to the New Jersey Criminal Background Check and other legal requirements.

SALARY LEVEL CHANGES

1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to change the following salaries of faculty members effective 9/1/05 through 6/30/06 due to attainment of advanced degrees or credits beyond:

Michael Ryan
From: \$43,370 (step 5, level 1) To: \$44,670 (step 5, level 2)

Deborah DeLia
From: \$60,906 (step 13, level 3) To: \$63,506 (step 13, level 4)

Rufina Rodriguez
From: \$67,260 (step 14, level 4) To: \$70,460 (step 14, level 5)

RETIREMENT MONIES

2. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following payback of sick days to retirees as per agreement between the Rutherford Board of Education and the Rutherford Education Association:

Janice Guarino - 6 days - \$180.00

TRAVEL ALLOWANCE

3. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to pay the following travel allowances for in-district travel to the following persons for the 2005-2006 school year:

	<u>Per Month</u>	<u>Per Year</u>
R. Brown	40.00	480.00
M. Kotsopoulos (thru 1/1/06)	30.00	300.00
A. Malinowski	30.00	300.00
C. Richmond (12 months)	25.00	300.00
M. Kivowitz (12 months)	25.00	300.00
R. Nichnadowicz (12 months)	15.00	180.00
K. Gonzales	10.00	100.00
E. Falker	10.00	100.00
K. Cannizzaro (effective 12/1/05)	10.00	100.00

SUSAN SHORTINO

4. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ Ms. Susan Shortino as a clerical assistant at the high school effective 10/24/05 at the hourly rate of \$14.25 (step 1). This is a replacement position.

AMANDA MITCHELL

5. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ Ms. Amanda Mitchell as a one-on-one personal assistant at Lincoln School effective 10/27/05 for 18 hours, 45 minutes per week at the hourly rate of \$14.92 (step 1).

ARIEL COHEN

6. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ Ms. Ariel Cohen as a one-on-one personal assistant at Lincoln School effective 10/31/05 for 13 hours per week at the hourly rate of \$15.37 (step 2).

ELEMENTARY CO-CURRICULAR

7. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following elementary co-curricular changes for the 2005-2006 school year:

Rescind:

Deborah Courtney - Poetry Book - Union School

Appoint:

Dorothy Meissner - Poetry Book - Union School - Stipend: \$472

H.S. CO-CURRICULAR

8. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to rescind Frank Stout as an Assistant Wrestling Coach for the 2005-2006 school year.

SERVICE PROVIDERS

9. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION for the Child Study Team to utilize the services of the following:

Christina Hayunga to provide coordination/supervision of ABA home services (hours to be determined) at the hourly rate of \$39.00

Sandy Bostwick, Creative Learning Studios, LLC to provide Occupational Services at the rate of \$65.00 per 30-minute session

Learning Tree Multicultural/Multilingual Evaluation & Consulting, Inc. at the rate of \$650 per Cantonese Learning Evaluation, \$650 Cantonese Psychological Evaluation, \$600 Cantonese Speech/Language Evaluation and \$350 Cantonese Social History Evaluation

Yin Lam, \$600 plus \$25 per hour travel expense to provide Cantonese Psychological Evaluations

SUBSTITUTE TEACHERS

10. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ the following as substitute teacher(s) effective 11/15/05 at the per diem rate of \$80.00 and in accordance with law:

Michael Chelik
Ariel Cohen
Erin Vogel
Michael Palughi
Danica Miller
Thomas Cassella

MANUELA DUROY

11. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ Mrs. Manuela Duroy as a substitute lunch monitor effective 10/21/05 at the hourly rate of \$8.00.

ERIN VOGEL

12. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ Ms. Erin Vogel as a substitute teacher assistant effective 11/15/05 at the hourly rate of \$8.50.

JOB DESCRIPTION

13. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new job description for School Secretary - Elementary:

BOARD OF EDUCATION
Rutherford

ADMINISTRATION
Locator: 2-330.4

Position: School Secretary Location: Elementary Schools

Responsible to: Building Administrator/ Program Supervisor

- Qualifications:
1. High School diploma or equivalent training
 2. Minimum of two years' related work experience or graduate of accredited secretarial school
 3. Good typing, word processing, and computer skills
 4. Knowledge of office equipment, efficient office procedures, and business software
 5. Good telephone skills, ability to communicate effectively, strong interpersonal skills
 6. Required criminal history check and proof of U.S. Citizenship or resident alien status
 7. Knowledge of area based upon specific assignment

Terms of Employment: Twelve Months

Goal: To assure the smooth and efficient operation of the school office

Duties and Responsibilities:

1. Prepares and files correspondence, agendas, reports, evaluations, purchase orders, and communications. Takes and transcribes notes; reproduces materials as needed.
2. Receives, screens and routes incoming calls and correspondence; sorts and distributes mail and notices.
3. Greets, assists, and logs in/out visitors to the office.
4. Handles phone calls, schedules appointments, and maintains the calendar
5. Assists with staff and student needs.
6. Maintains confidentiality as required and appropriate.
7. Performs usual office routines and other tasks related to the efficient operation of the office.
8. Maintains office and general area bulletin boards and posts notices.

- 9. Orders supplies and maintains inventories.
- 10. Assists in maintaining a comfortable, welcoming and professional office atmosphere
- 11. Assumes such other related duties and responsibilities as may be directed by Supervisor.

Specific – Elementary Schools

- 1. Coordinate emergency evacuation of all students and personnel in the event of a fire or other emergency school closing
- 2. Coordinates emergency calls with the PTA and childcare facilities
- 3. Administers simple first aid practices in the absence of the school nurse
- 4. Assists the principal and staff in the preparation of the annual budget
- 5. Prepares and processes purchase order; follows up on order receipt and vendor payment; maintains budgetary accounting system including petty cash account
- 6. Completes registration and/or transfer documents for students as needed
- 7. Maintains all student demographic data and prepares required related reports
- 8. Keeps abreast of changes in computer software and applications needed for effective school operations
- 9. Assists in oversight of students remaining after dismissal

Adopted: November 14, 2005

JOB DESCRIPTION

14. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new job description for Clerical Assistant - Maintenance:

BOARD OF EDUCATION
RUTHERFORD

ADMINISTRATION
Locator: 2-240.5

Position: Clerical Assistant Location: Maintenance

Responsible to: Director of Buildings and Grounds

- Qualifications:
- 1. High School diploma
 - 2. Minimum one year work-related experience
 - 3. Demonstrate proficiency in oral and written communication
 - 4. Clerical aptitude, good typing skills, computer literate, and some knowledge of information technology
 - 5. Required criminal history background check and proof of U.S. Citizenship or legal resident alien status

Terms of Employment: Twelve Months
Position is non-tenure and subject to annual reappointment

Goal: To provide clerical support services inherent to the effective operation of the school or program

Duties and Responsibilities:

- 1. Opens and distributes mail

2. Answers telephones and handles requests from district office personnel
3. Files a variety of materials including correspondence, catalogs, reports, etc.
4. Assists in the preparation of reports, purchase orders, requisitions, schedules
5. Performs other office duties as assigned by supervisor

Job Specific: Maintenance

1. Maintains updated database of all work orders and requisitions.
2. Performs functions related to the operations of the maintenance and transportation operations.
3. Assists in maintaining required records related to school plant operations.
4. Performs functions related to contracts and work performed by private contractors and vendors.

Adopted: November 14, 2005

JOB DESCRIPTION

15. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new job description for Computer Technician:

BOARD OF EDUCATION
RUTHERFORD

LOCATOR: 2-165
PAGE 1

Position: Computer Technician

Responsible to: Supervisor of Computer Technology

- Qualifications:
1. Minimum high school diploma and some formal computer education or training. Apple certification is a plus.
 2. Prior experience with computers and computer operations – be knowledgeable and have experience with Mac OS, networks, and a variety of hardware and software.
 3. Be physically able to lift, unpack, assemble, and move computers and their related peripherals.
 4. Strong interpersonal skills.
 5. Such alternatives to the above qualifications as the Board may find appropriate and acceptable.
 6. Required criminal history background check and proof of U.S. citizenship or legal resident alien status

Terms of Employments: Twelve Months – Position is non tenure and subject to annual reappointment.

Goal: To assure the smooth and efficient operation of the computer related programs/equipment in classrooms and offices.

Duties and Responsibilities:

1. Administer various administrative and educational software packages and is willing and able to learn new applications.
2. Assist classes with network, equipment, and software problems.

3. Troubleshoot network problems on the administrative network and student network in all schools.
4. Troubleshoot software problems on the administrative network and student network as requested.
5. Assist teachers, students, and administrators with special projects and presentations including the setup and operation of equipment.
6. Install software and operating systems as needed.
7. Perform technical cleaning operations on the computers and related equipment.
8. Unpack, install, and move new equipment in the labs, classrooms, and offices throughout the district.
9. Understand the need to be a team player and a part of the whole school district.
10. Capable of recognizing problems with a system early and asks for help (if needed) before problems/bugs become complicated.
11. Understand global problems of networking, software, and hardware and makes decisions based upon that understanding.
12. Capable of remembering solutions to troublesome bugs and shares the information with others using the program.
13. Work with others who are learning computer operations and can field questions about problems.
14. Maintain the confidentiality of the data handled.
15. Learn how to use new equipment quickly and is flexible about procedures and changes in operation.
16. File and maintain records in an accurate manner.
17. Use utility software to maximize the efficiency of drives and servers.
18. Help with data entry if needed.
19. Run reports needed by the department and administration.
20. Perform the usual office and lab routines as well as the practices associated with a busy, yet productive and smoothly running operation.
21. Perform other duties related to school needs as assigned by the Supervisor of Computer Technology.

Adopted: November 14, 2005

JOB DESCRIPTION

16. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new job description for Lead Evening Custodian:

BOARD OF EDUCATION
Rutherford

ADMINISTRATION
Locator: 2-220.1

Position: Lead Evening Custodian

Responsible To: Principal/Director of Buildings and Grounds

- Qualifications:
1. Black Seal License
 2. Ability to read, write, and communicate effectively in English
 3. Knowledge of plant operation and maintenance; cleaning methods and procedures; heating and ventilation; proper handling of hazardous materials
 4. Good physical health and ability to perform assigned tasks
 5. Shall have experience as a custodian
 6. Ability to work cooperatively with other school staff members.
 7. Ability to maintain a neat personal appearance and cooperative attitude with school personnel, PTA, students and general public.
 8. Required criminal history background check and proof of U.S. Citizenship or legal resident alien status

Terms of Employment: 12 Months
Position is non-tenure and subject to annual reappointment.

Goal: To provide a safe, clean, and comfortable school environment and to supervise the custodians assigned to his/her building

Duties and Responsibilities:

1. Performs custodial duties identified in the custodian job description.
2. Helps in the assignment and scheduling of the evening custodial staff.
3. Responds to emergency issues that arise during the evening activities.
4. Oversees all work assignments including those necessitated by special evening activities.
5. Secures facility and alarms at conclusion of third shift.
6. Liaison to Head Custodian regarding the building use schedule, custodial assignments, and routines.
7. Completes required daily inspection of building and grounds; reports immediately any damage to school property and completes required report.
8. Performs other such duties or tasks as may be assigned by the Principal or supervisor.

Adopted: November 7, 2005

ADULT SCHOOL PAYROLL 17.BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the Fall payroll for the Rutherford Adult School:

Alesandrio, Fabian	Basketball	\$400.00
Cvelich, Terry	Computers (2 classes)	500.00
Guzman, Maria	Sewing & Garment (3 classes)	705.00
Holck, Russel	Woodworking	400.00
Heulbig, Thomas	Volleyball	400.00
Houghton, Giles	Tennis (2 classes)	500.00
Hutzel, Catherine	Piano (2 classes)	550.00
McCoy, Andrea	Simply Bottom & Cardio	600.00
Nelson, Clarice	Ballroom & Line Dance	800.00
Serrano, Arraceli	ESL (2 classes)	1250.00
Riggio, Joseph	Photography (2 classes)	900.00
Sciacchetano, Daniel	Golf (3 classes)	900.00
Sollitto, Andrea	Body Works	350.00
Strumolo, Stephen	Basketball	400.00
	TOTAL	\$8655.00

CURRICULUM AND INSTRUCTION:

Chairperson Monahan reported on the items to be acted upon at the November 14, 2005 regular meeting.

**OUT-OF-DISTRICT
PLACEMENTS**

1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following out-of-district student (names on file in the office of special services) placements:

- Student #2000421 - Benway School - Tuition: \$31,800 plus trans.
- Student #2005002 - SBJC Maywood - Tuition: \$25,772.25 plus trans.
- Student #2004010 - Hidden Lake Academy - Tuition: \$68,400 (12 mos.)

FOUNDATION GRANT

2. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to accept a grant from the Rutherford Education Foundation to fund a program for one of our teachers in the amount of \$1,571.18.

FINANCE:

Chairperson Jasko reported on the items to be acted upon at the November 14, 2005 regular meeting.

2004-2005 AUDIT

1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION that it acknowledges receipt of the 2004-2005 school year audit.

NON-PUBLIC NURSING

2. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION that approval be granted for the Superintendent of Schools to enter into a contract with the Board of Health to provide required nursing services to St. Mary's Grammar School, St. Mary High School, and the Rutherford Child Care Center at a total cost of \$74.25 per student for the 2005-2006 school year.

CATAPULT LEARNING

3. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION that approval be granted for the Superintendent of Schools to enter into a contract with Catapult Learning to provide required nursing services to Today's Learning Center at a total cost of \$74.25 per student for the 2005-2006 school year.

Note: Funds are provided by the state for these services

POLICY:

Chairperson Novosielski reported on the items to be acted upon at the November 14, 2005 regular meeting.

EXPENSES POLICY

1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #9250 Expenses on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**BYLAWS
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EXPENSES

Board members receive no payment for their services. With board approval, they may be reimbursed for out-of-pocket expenses incurred on board business.

Travel and Related Expenses

Travel reimbursement will be paid only upon compliance with the board's policy provisions and approval requirements. Board members and employees shall only be reimbursed for work-related travel that is directly related to and within the scope of the board member's and employee's current work responsibilities. Board members and employees shall only be reimbursed for travel that:

- A. promotes the delivery of instruction or furthers the efficient operation of the school district.
- B. is fiscally prudent, and
- C. is directly related to and within the scope of the board member's current responsibilities.

All board members and employees shall adhere to the following specifications to be considered for reimbursement:

- A. Reimbursement may not exceed State travel reimbursement guidelines as established by the Department of Treasury in NJOMB circular letter 06-02 (found at <http://www.state.nj.us/infobank/circular/cir0602b.htm>), including but not limited to the types of travel, methods of transportation, mileage allowance, meal allowance, overnight travel and supporting documentation.
- B. Reimbursement must also be in compliance with OMB Circular A-87 (found at http://www.whitehouse.gov/omb/circulars/a087/a87_2004.html). No reimbursement will be issued without submission of written documentation such as receipts, checks and vouchers detailing the amount of each expenditure. Such documentation must be submitted within a timeframe to be established by the board.
- C. Shall provide, when requested by the board of education, a brief report that includes, as appropriate, but may not be limited to, a description of the primary purpose for the travel, and a summary of the goals and key issues that were addressed. This report will be submitted to an appropriate party designated by the board.

In addition to the requirements above, such travel must be directly related to the employee's professional development. No district employee shall be reimbursed for travel and related expenses without prior approval of the Superintendent.

Board members shall only be reimbursed for travel and related expenses that have received prior approval a majority of the full voting membership of the board, and is in compliance with N.J.S.A. 18A:12-24 and 24.1 of the School Ethics Act.

The board shall:

- A. Allot in its annual budget a maximum travel expenditure amount and annually review its policy to assure that it properly reflects the amount budgeted.
- B. Adopt a public resolution authorizing each reimbursement; specifying the way in which it promotes the delivery of instruction or furthers the efficient operation of the school district.

The board shall exclude from these requirements reimbursement for:

- A. travel caused by or subject to contractual provisions, other statutory requirements or federal regulatory requirements; and
- B. travel that will otherwise not comply with the requirements in state regulation governing this policy, but that is deemed necessary or unavoidable; documented with full detail; and approved by board resolution.

In order to demonstrate compliance with this policy, documentation of all reimbursed travel expenses shall be maintained on file. This record may include receipts, checks and vouchers submitted in connection with any reimbursement.

The Superintendent shall develop regulations to implement this policy.

Adopted: June 10, 2002

Revised:

Legal References:

N.J.S.A. 18A:2_1 Power to effectuate action
N.J.S.A. 18A:4-23 Supervision of schools; enforcement and 24
Determining efficiency of schools; report to state board
N.J.S.A. 18A:11_1 General mandatory powers and duties
N.J.S.A. 18A:12_4 Compensation of members
N.J.S.A. 18A:12_24 School Ethics Act and 24. Code of Ethics
N.J.S.A. 18A:54_20 Powers of board (county vocational
schools)
N.J.A.C. 6A:10A-8.3 Travel and Related Expense
Reimbursement (Abbott Districts)
N.J.A.C. 6A:23B-1.1 et. seq.
Travel and Related Expense Reimbursement (Non-Abbott
Districts)

P.L. 2005, c.132 Appropriations Act

See also: In the Matter of Anthony Esgro, Luis Perez, Clifford Meeks and Frank Speziali, Glassboro Board of Education, CO7-97, March 30, 1998

MILITARY LEAVE - TCHG
STAFF MEMBERS

2. Resolution by M_____, seconded by _____.
BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #4170 Military Leave - Teaching Staff Members on second reading:

BOARD OF EDUCATION
RUTHERFORD

INSTRUCTIONAL AND SUPPORT PERSONNEL
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MILITARY LEAVE – TEACHING STAFF MEMBERS

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

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

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

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

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

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

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

Adopted:

POLICY - MILITARY LEAVE
SUPPORT STAFF MEMBERS

3. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #4270 Military Leave - Support Staff Members on second reading:

**BOARD OF EDUCATION
RUTHERFORD**

**INSTRUCTIONAL AND SUPPORT PERSONNEL
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MILITARY LEAVE – SUPPORT STAFF MEMBERS

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

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

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

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

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

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

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

Adopted:

POLICY - INAPPROPRIATE
CONDUCT - TEACHING
STAFF MEMBERS

4. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #4181 Inappropriate Conduct - Teaching Staff Members on second reading:

**BOARD OF EDUCATION
RUTHERFORD**

**INSTRUCTIONAL AND SUPPORT PERSONNEL
4181/page 1 of 2**

INAPPROPRIATE CONDUCT – TEACHING STAFF MEMBERS

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

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

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

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

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

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

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

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

N.J.S.A. 18A:28-5 et seq.
N.J.A.C. 6A:16-10.1 et seq.

Adopted:

POLICY - INAPPROPRIATE
CONDUCT - SUPPORT
STAFF MEMBERS

5. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #4281 Inappropriate Conduct - Support Staff Members on second reading:

**BOARD OF EDUCATION
RUTHERFORD**

**INSTRUCTIONAL AND SUPPORT PERSONNEL
4281/page 1 of 2**

INAPPROPRIATE CONDUCT – SUPPORT STAFF MEMBERS

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

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

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

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

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

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

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

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

N.J.S.A. 18A:28-5 et seq.
N.J.A.C. 6A:16-10.1 et seq.

REGULATION - INAPPROPRIATE
CONDUCT - TEACHING
STAFF MEMBERS

6. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Regulation #R4181 Inappropriate Conduct - Teaching Staff Members on second reading:

**BOARD OF EDUCATION
RUTHERFORD**

**INSTRUCTIONAL AND SUPPORT PERSONNEL
R4181/page 1 of 8**

INAPPROPRIATE CONDUCT – TEACHING STAFF MEMBERS

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. The Policy and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to pupils.

A. Definitions

1. "Building Principal" is the Principal of the building where the staff member is assigned.
2. "Grievance Procedure" is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.
3. "Hostile Environment Sexual Harassment" is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
4. The "immediate supervisor" for teaching staff members may be a Building Principal, a member of the school district's non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.
5. "Inappropriate comments" includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a pupil's clothing or physical appearance, comments with sexual overtones, comments regarding a pupil's dating partner or comments about the staff member's personal life that are not relevant to the professional responsibility of the school staff member.
6. "Inappropriate conduct" includes, but is not limited to, sexual misconduct, a request by a school staff member to a pupil for a social relationship outside the school staff/pupil relationship, sexually harassing conduct, inappropriate touching by the staff member to a pupil or permitting a pupil to inappropriately touch a staff member, corporal punishment, requesting a pupil to expose private parts of their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a pupil. Inappropriate conduct also includes physical contact between a staff member and pupil that is beyond the staff member/pupil professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/pupil professional relationship. "Inappropriate conduct" does not include a hug initiated by a pupil as a sign of the pupil's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.
7. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.
8. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.
9. "Quid Pro Quo Sexual Harassment" is when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal

nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.

10. "Professional responsibility responsibilities" is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.
11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the central office administrator no later than seventy-two hours after the required reporting time.
12. "Sexual Harassment" is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.
13. "Staff member" or "school staff member" is a compensated and/or uncompensated member of the school district's staff, including any agents and/or representatives of the school district.
14. "Unannounced or uninvited visit" is a pupil visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member's residence and/or other place where the staff member may be when not performing school related professional responsibilities.

A. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal or immediate supervisor.
2. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a pupil beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal or immediate supervisor.
3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal or immediate supervisor.
4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.
5. Any pupil, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the central office administrator.
6. Any person, including school staff, may make an anonymous report to the central office administrator if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.
7. School staff having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal or immediate supervisor after making such report.

A. Investigation of Reports

1. An immediate supervisor or Building Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the central office administrator.

2. The central office administrator will begin a prompt and thorough investigation of every report.
3. The central office administrator or the Superintendent will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services if there is reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

A. Preliminary Investigation of Reports by Others

1. The central office administrator will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the central office administrator received the report.
2. The central office administrator's preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any pupils who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and pupil(s) reported to have engaged in conduct prohibited by this Policy and Regulation.
3. The central office administrator will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.
4. If, based on a preliminary investigation, the central office administrator determines conduct prohibited by this Policy and Regulation did not exist, the central office administrator will meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) reported to review the results of the central office administrator's preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. The central office administrator will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.
5. If, based on a preliminary investigation, the central office administrator deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the pupil indicated in the report upon request.

A. Full Investigation

1. The central office administrator, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 and/or local law enforcement.
2. The central office administrator will conduct the full investigation if the Division of Youth and Family Services and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-10.2 et seq. for reporting to the Division of Youth and Family Services and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.
3. The full investigation will include, but not be limited to, interviews with the staff member(s), pupils, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.
4. The central office administrator will accept testimony and evidence from the staff member(s), pupil(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.

5. All persons that provide information, testimony and evidence to the central office administrator relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Superintendent of Schools.
6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the central office administrator will prepare a written report to the Superintendent of Schools. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the central office administrator.
7. If the central office administrator's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Superintendent concurs with the report's findings, the central office administrator will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) investigated to review the findings.
8. If the central office administrator's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Superintendent concurs with the report's findings, the Superintendent may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:
 - a. Provide the staff member an opportunity to rebut the findings of the central office administrator's full investigation report and findings;
 - b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;
 - c. Not recommend the staff member be re-appointed for the next school year;
 - d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;
 - e. Institute tenure charges (if applicable) in accordance with N.J.A.C. 6A:3-5 – Charges Under Tenure Employees' Hearing Act; and/or
 - f. Recommend to the Board of Education any other disciplinary measures as the Superintendent of Schools determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.
9. If the Superintendent does not concur with the findings of the central office administrator's full investigation, the Superintendent may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the central office administrator, a discussion with the pupil(s) and parent(s)/legal guardian(s) and any activity the Superintendent believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Superintendent will proceed consistent with paragraph 7. and 8. above.
10. Any person who is not satisfied with the Superintendent's determination may appeal to the Board of Education.

Adopted:

REGULATION - INAPPROPRIATE
CONDUCT - SUPPORT
STAFF MEMBERS

7. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Regulation #R4281 Inappropriate Conduct - Support Staff Members on second reading:

INAPPROPRIATE CONDUCT – SUPPORT STAFF MEMBERS

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. The Policy and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to pupils.

A. Definitions

1. "Building Principal" is the Principal of the building where the staff member is assigned.
2. "Grievance Procedure" is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.
3. "Hostile Environment Sexual Harassment" is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
4. The "immediate supervisor" for support staff members may be a Building Principal, a member of the school district's non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.
5. "Inappropriate comments" includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a pupil's clothing or physical appearance, comments with sexual overtones, comments regarding a pupil's dating partner or comments about the staff member's personal life that are not relevant to the professional responsibility of the school staff member.
6. "Inappropriate conduct" includes, but is not limited to, sexual misconduct, a request by a school staff member to a pupil for a social relationship outside the school staff/pupil relationship, sexually harassing conduct, inappropriate touching by the staff member to a pupil or permitting a pupil to inappropriately touch a staff member, corporal punishment, requesting a pupil to expose private parts of their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a pupil. Inappropriate conduct also includes physical contact between a staff member and pupil that is beyond the staff member/pupil professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/pupil professional relationship. "Inappropriate conduct" does not include a hug initiated by a pupil as a sign of the pupil's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.
7. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.
8. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.
9. "Quid Pro Quo Sexual Harassment" is when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.

10. "Professional responsibility or responsibilities" is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.
11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the central office administrator no later than seventy-two hours after the required reporting time.
12. "Sexual Harassment" is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.
13. "Staff member" or "school staff member" is a compensated and/or uncompensated member of the school district's staff, including any agents and/or representatives of the school district.
14. "Unannounced or uninvited visit" is a pupil visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member's residence and/or other place where the staff member may be when not performing school related professional responsibilities.

A. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal or immediate supervisor.
2. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a pupil beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal or immediate supervisor.
3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal or immediate supervisor.
4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.
5. Any pupil, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the central office administrator.
6. Any person, including school staff, may make an anonymous report to the central office administrator if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.
7. School staff having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal or immediate supervisor after making such report.

A. Investigation of Reports

1. An immediate supervisor or Building Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the central office administrator.
2. The central office administrator will begin a prompt and thorough investigation of every report.

3. The central office administrator or the Superintendent will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services if there is reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

A. Preliminary Investigation of Reports by Others

1. The central office administrator will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the central office administrator received the report.
2. The central office administrator's preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any pupils who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and pupil(s) reported to have engaged in conduct prohibited by this Policy and Regulation.
3. The central office administrator will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.
4. If, based on a preliminary investigation, the central office administrator determines conduct prohibited by this Policy and Regulation did not exist, the central office administrator will meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) reported to review the results of the central office administrator's preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. The central office administrator will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.
5. If, based on a preliminary investigation, the central office administrator deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the pupil indicated in the report upon request.

A. Full Investigation

1. The central office administrator, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 and/or local law enforcement.
2. The central office administrator will conduct the full investigation if the Division of Youth and Family Services and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-10.2 et seq. for reporting to the Division of Youth and Family Services and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.
3. The full investigation will include, but not be limited to, interviews with the staff member(s), pupils, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.
4. The central office administrator will accept testimony and evidence from the staff member(s), pupil(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.

5. All persons that provide information, testimony and evidence to the central office administrator relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Superintendent of Schools.
6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the central office administrator will prepare a written report to the Superintendent of Schools. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the central office administrator.
7. If the central office administrator's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Superintendent concurs with the report's findings, the central office administrator will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) investigated to review the findings.
8. If the central office administrator's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Superintendent concurs with the report's findings, the Superintendent may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:
 - a. Provide the staff member an opportunity to rebut the findings of the central office administrator full investigation report and findings;
 - b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;
 - c. Not recommend the staff member be re-appointed for the next school year;
 - d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;
 - e. Institute tenure charges (if applicable) in accordance with N.J.A.C. 6A:3-5 – Charges Under Tenure Employees' Hearing Act; and/or
 - f. Recommend to the Board of Education any other disciplinary measures as the Superintendent of Schools determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.
9. If the Superintendent does not concur with the findings of the central office administrator's full investigation, the Superintendent may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the central office administrator a discussion with the pupil(s) and parent(s)/legal guardian(s) and any activity the Superintendent believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Superintendent will proceed consistent with paragraph 7. and 8. above.
10. Any person who is not satisfied with the Superintendent's determination may appeal to the Board of Education.

Adopted:

POLICY - DISTRIBUTION
OF MATERIALS BY PUPILS
AND STAFF

8. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revised Policy #1140 Distribution of Materials By Pupils and Staff on second reading:

DISTRIBUTION OF MATERIALS BY PUPILS AND STAFF

Material being sent home with pupils should relate to school matters or pupil-related community activities. Except when it pertains to the individual pupil, all such material must be approved in advance by the chief school administrator/designee.

There is no district obligation to distribute or post any community group materials. But if a forum opened up to any category of group (i.e., non-profit, non partisan, community groups), the chief school administrator will not discriminate against speech or materials on the basis of its viewpoint or religious content.

The determination of the chief school administrator will be viewpoint-neutral in order to provide equal access to "limited public forums" including bulletin boards for notices, tables at back-to-school nights, or hand-outs to students.

Pupils shall not be used to distribute partisan materials or partisan information pertaining to a school or general election, budget or bond issue, or negotiations. Pupils shall not be exploited for the benefit of any individual, group, or profit-making organization.

No staff member may distribute any materials on school property without prior approval of the chief school administrator. Materials will clearly indicate their source. Non-school-related materials will be plainly labeled, including an express disclaimer that the activity is "not a school-sponsored activity." Flyers and parental permission slips will be subject to the same review and standards.

All surveys, questionnaires or other similar items requiring pupil or parent/guardian response shall be reviewed and approved by the chief school administrator prior to distribution. The chief school administrator shall solicit written permission from parents/guardians before students participate in surveys or research that requests personal information as set out in federal law.

Adopted: June 10, 2002
Revised:

Legal References:

- N.J.S.A. 18:A:36-34 Written approval required prior to acquisition of certain survey information from students.
- N.J.S.A. 18A:42-4 Distribution of literature as to candidacy, bond issues, or other public question to be submitted at election; prohibited
- N.J.S.A. 19:34-6 Obstructing or interfering with polling place or voter
- N.J.S.A. 19:34-15 Electioneering within or about polling place; misdemeanor

34 CFR 98.1 - Pupil Protection Rights Amendment

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

On roll call vote all members present voted _____.

CERTIFICATION POLICY

9. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #4112.2 Certification on second reading:

CERTIFICATION

The certification of teachers and other personnel in the public schools of New Jersey is a protective measure for the children, the community, and the staff members themselves. All personnel hired shall have proper certification as required by the state board of education.

Validity of certification must be verified with the county office.

The chief school administrator must receive valid evidence of proper certification or qualifications to pursue the alternative route to certification before presenting a candidate to the board.

Provisionally Certified Teachers

The board of education encourages the employment of newly prepared teachers for service in their first year of employment under a one-year provisional certificate. The chief school administrator/designee shall prepare and submit a plan to the state department of education ensuring adequate training of provisional teachers.

The chief school administrator shall provide each employed provisionally certified teacher with:

- A. The guidance of a professional support team composed of a minimum of the principal, an experienced mentor teacher, a college faculty member and a curriculum supervisor (or other team members with comparable expertise);
- B. A minimum of three evaluations of the provisional teacher's classroom performance.

Mentoring Novice Teachers

In order to enhance student achievement of the Core Curriculum Content Standards by Enhancing the skills of inexperienced teachers, identifying exemplary teaching skills and practices necessary for excellent teaching and assist novice teachers in adjusting to the challenges of teaching, the board shall ensure the development of a mentoring plan for all novice teachers employed in the district, and an individual professional improvement plan (PIP) within 60 days of the board's approval of the teacher's employment contract.

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

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

Special Education

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

Adopted: October 7, 2002
Revised:

Legal References: <u>N.J.S.A.</u> 18A:6-38	Powers and duties of the board; issuance and revocation of certificate; rules and regulations
<u>N.J.S.A.</u> 18A:6-39	Issuance of certificates to non-citizens
<u>N.J.S.A.</u> 18A:6-76.1	Deadlines for notification to students of requirements of provisional certificate and induction program; submission of induction program plan to school districts and Department of Education; coordination of mentor training program
<u>N.J.S.A.</u> 18A:26-1, -2, -8.1, -9	Citizenship of teachers, etc. ...
<u>N.J.S.A.</u> 18A:26-2.1 <u>et al.</u>	Supervisory certificate required for appointment as director of athletics ...
<u>N.J.S.A.</u> 18A:27-2	Employment without certificate prohibited
<u>N.J.S.A.</u> 18A:29-1	Uncertified teacher denied salary
<u>N.J.S.A.</u> 18A:40A-4	Pre-service training of future teachers; teaching certificate requirements

N.J.A.C. 6:3-1.6 Reporting and staffing of school districts
N.J.A.C. 6A:9-1.1 et seq. Professional Licensure and Standards
See particularly:
N.J.A.C. 6:11-3.2, -3.5,
-4, -5, -6.1, -6.2, -8.2,
-8.3, -8.4, -8.5, -11.9
 N.J.A.C. 6A:9-3.3, 6A:9-8.4
N.J.A.C. 6A:14-1.1 et seq. Special Education
N.J.A.C. 6:30-2.1(a)8 Purpose and program descriptions
 (Adult education programs)
N.J.A.C. 6A:24-3.3 *Early childhood education programs*
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School
 Districts

Old Bridge Education Association v. Old Bridge Township Bd. of Ed.,
1986 S.L.D. 1917

Manual for the Evaluation of Local School Districts (August 2000)

On roll call vote all members present voted _____.

BUILDINGS AND GROUNDS:

Chairperson Casadonte reported on the items to be acted upon at the November 14, 2005 regular meeting.

USE OF SCHOOL BUSES
PROJECT GRADUATION

1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the use of two Rutherford Board of Education school buses to provide round-trip transportation for Project Graduation on 6/21/06. All costs will be fully funded by the Project Graduation Committee.

Mrs. Conlon gave an update on district building projects.

OLD BUSINESS: (No action to be Taken)

Mrs. Jones and Mrs. Williams gave a report to the Board on the NJSBA Convention in Atlantic City.

Mrs. Jones commented on the revised Library Lunch Tales program.

MEETING OPEN TO THE PUBLIC:

ADJOURNMENT:

Motion by Mr. Casadonte, seconded by Mrs. Williams that the meeting be adjourned at 9:37 P.M.

Approved.