

Policy

CONCEPTS AND ROLES IN ADMINISTRATION; GOALS AND OBJECTIVES

The Montague Township Board of Education shall establish policies that govern all aspects of district operations. The board expects the educational administration to direct, coordinate, and supervise students and staff in their efforts to reach the goals and objectives adopted by the board.

Within the guidelines of board policy, negotiated agreements, and New Jersey law, the board expects the educational administration to:

- A. Provide up-to-date information and sound professional advice to the board, as an aid in informed decision making;
- B. Plan, organize, implement, and evaluate the educational programs established by board policy, in order to provide optimum educational opportunities to the students of the district;
- C. Provide these optimum educational opportunities at the lowest possible cost;
- D. Use efficient administrative and management procedures, including supervision and evaluation of teaching staff, pursuant to law and regulations, and developed after consultation with and among the board, administrators, and appropriate staff members;
- E. Coordinate the resources of the community with those of the district;
- F. Keep the board informed of all new legislative actions or changes in code and statute that affect the policies, programs, or operations of the district.

Adopted: October 22, 2008

NJSBA Review/Update: September 2015

Readopted:

Key Words

Administrative Role

Legal References: N.J.S.A. 18A:7A-3 et al. Public School Education Act of 1975
N.J.S.A. 18A:7F-43 et seq. School Funding Reform Act of 2008
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:12-21 et seq. School Ethics Act
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment
N.J.A.C. 6A:28-1.1 et seq. School Ethics Commission
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-1.1 et seq. School District Operations
See particularly:
N.J.A.C. 6A:32-4.4,-4.5

Possible

Cross References: *2131 Chief School Administrator
2210* Administrative Leeway in Absence of Board Policy
4111* Recruitment, Selection, and Hiring

CONCEPTS AND ROLES IN ADMINISTRATION:
GOALS AND OBJECTIVES (continued)

File Code: 2000

- 4115* Supervision
- 4116* Evaluation of Teaching Staff Members
- 4211* Recruitment, Selection, and Hiring
- 4215* Evaluation of Support Staff Members
- 9000* Role of the Board
- 9313* Formulation, Adoption, Amendment of Administrative Regulations

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

Policy

LINE OF RESPONSIBILITY

The Montague Township Board of Education shall operate under a unit control system headed by the chief school administrator.

The authority of the board is transmitted through the chief school administrator along specific paths from person to person, as shown in the organization chart of the school district provided in exhibit 2121. The lines of authority represent direction of authority and responsibility. The lines are those approved by the board and are intended to establish clear understanding on the part of all personnel of the working relationships in the school system.

Personnel are expected to refer matters requiring administrative action to the administrator to whom they are responsible. Personnel are expected to keep the person to whom they are immediately responsible informed of their activities by appropriate means.

Adopted: October 22, 2008
NJSBA Review/Update: September 2015
Readopted:

Key Words

Unit Control, Dual Control, Line of Authority, Organization Chart

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:17-5 through -14.3	Secretaries, Assistant Secretaries and School Business Administrators
	<u>N.J.S.A.</u> 18A:17-15 through -23	Superintendents and Assistant Superintendent of Schools
	<u>N.J.S.A.</u> 18A:17-24.1 <u>et seq.</u>	Shared Administrators, Superintendents
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:9B-11.3	Authorization
	<u>N.J.A.C.</u> 6A:9B-11.4	School administrator
	<u>N.J.A.C.</u> 6A:9B-11.7	School business administrator
	<u>N.J.A.C.</u> 6A:32-2.1	Definitions (chief school administrator)

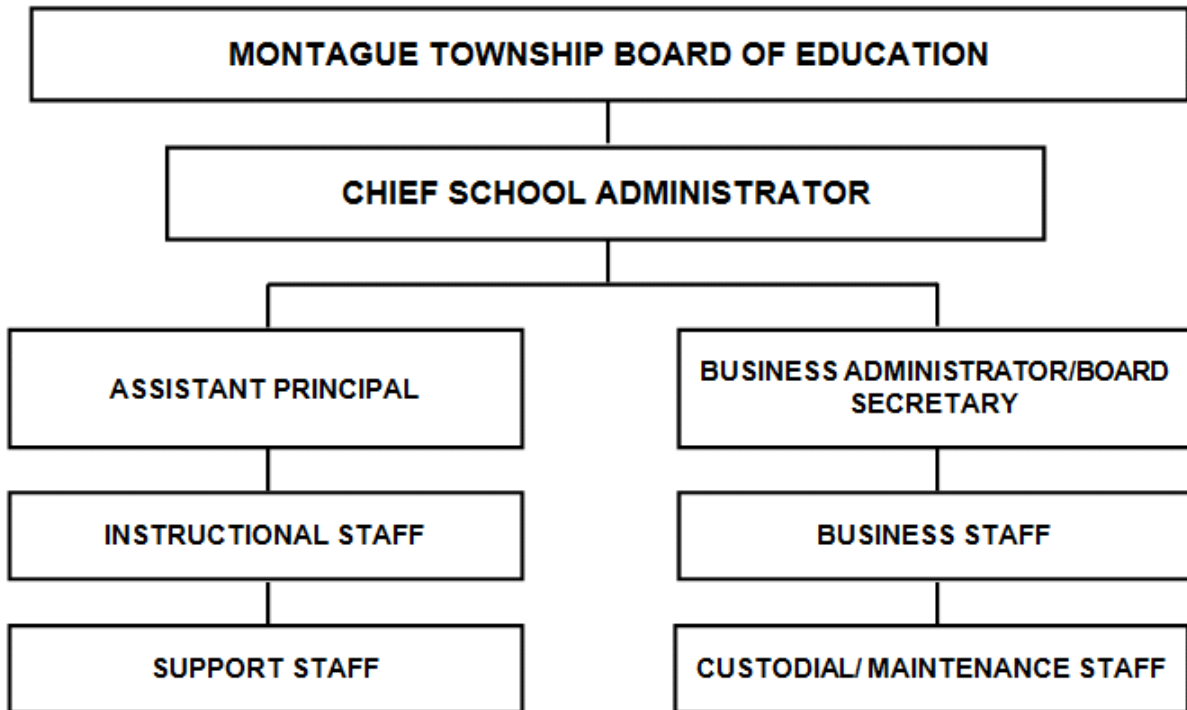
Possible

<u>Cross References:</u>	*1312	Complaints and Inquiries
	2100	Administrative Staff Organization
	*2131	Chief School Administrator
	*2210	Administrative Leeway in Absence of Board Policy
	*3000/3010	Concepts and Roles in Business and Noninstructional Operations; Goals and Objectives
	*9313	Formulation, Adoption, Amendment of Administrative Regulations

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

Exhibit

LINE OF RESPONSIBILITY



Adopted: October 22, 2008
NJSBA Review/Update: September 2015
Readopted:

Policy

PRINCIPAL EVALUATION

The Montague Township Board of Education believes that the evaluation of effective leadership and administration practices improves success in the achievement of the educational goals of this district, including student achievement of the New Jersey Core Curriculum Content Standards (which include the Common Core State Standards for mathematics and language arts and literacy). The board shall implement an effective system for the evaluation of principals, assistant principals, and vice-principals. The purpose of this evaluation shall be to promote professional excellence and improve the skills of principals, assistant principals, and vice-principals; improve student learning and growth; and provide a basis for the review of performance. The board is committed to establishing educator evaluation rubrics for the evaluation of administrative staff members' effectiveness to further the development of a professional corps of state educators and to increase student achievement. The district evaluation system shall facilitate:

- A. Continual improvement of leadership and instruction;
- B. Meaningful differentiation of performance using four performance levels;
- C. Use of multiple valid measures in determining performance levels, including objective measures of student performance and measures of professional practice;
- D. Evaluation of principals, assistant principals, and vice-principals on a regular basis;
- E. Delivery of clear, timely, and useful feedback, including feedback that identifies areas for growth and guides professional development; and
- F. District personnel decisions.

Training

Principals, assistant principals, and vice-principals shall be provided:

- A. Training on the teacher and principal practice instruments. Training shall be provided for any supervisor who will conduct observations for the purpose of evaluation of teachers, principals, assistant principals, or vice-principals. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;
- B. Annual updates and refresher training on the teacher and principal practice instruments. Training shall be provided for any supervisor who will observe teaching and/or principal practice for the purpose of increasing accuracy and consistency among observers.

Principal Evaluation

Principals, vice-principals, or assistant principals shall be evaluated according to an evaluation rubric. The evaluation rubric shall be submitted to the New Jersey Commissioner of Education by June 1 for approval by August 1 of each year.

The components of the principal evaluation rubric shall apply to teaching staff members holding the position of principal, vice-principal, or assistant principal and holding a valid and effective standard, provisional, or emergency administrative certificate.

The principal evaluation rubric shall meet the standards provided 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:10-5.2 including:

1. The median school-wide student growth percentile measure; and/or
2. The measure of the average student growth objective for all teachers; and
3. The measure of the administrator goals which shall be developed in consultation with their supervisor and specific and measurable to his or her job description. Administrator goals and the criteria for assessing performance based on those objectives shall be determined and recorded in the principal, vice-principal, or assistant principal's personnel file by October 15 of the school year.

B. Measures of principal practice including the following components:

1. A measure determined through a Commissioner-approved principal practice instrument; and
2. A leadership measure determined through the New Jersey Department of Education-created leadership rubric.

Principal practice component rating shall be based on the measurement of the principal, assistant principal, or vice-principal's performance according to the school district's Commissioner-approved principal practice instrument. Observations pursuant to N.J.A.C. 6A:10-5.4 shall be used as one form of evidence for this measurement.

Leadership practice shall be determined by a score on a leadership rubric, which will assess the principal, vice-principal, or assistant principal's ability to improve student achievement and teaching staff member effectiveness through identified leader behaviors. The rubric will be posted on the Department's website and annually maintained.

Principal, Assistant Principal, and Vice-Principal Observations

The chief school administrator, or his or her designee, shall conduct observations for the evaluation of principals. The chief school administrator shall be trained according to law on the components of the evaluation rubric including student achievement measures and all aspects of the practice instrument.

A principal, or a chief school administrator or his or her designee, shall conduct observations for the evaluation of assistant principals and vice-principals.

For the purpose of collecting data for the evaluation of a principal, assistant principal, or vice-principal, an observation may include, but is not limited to: building walk-through, staff meeting observation, parent/guardian conference observation, or case study analysis of a significant student issue.

Each tenured principal, assistant principal, and vice-principal shall be observed at least two times during each school year. Each nontenured principal, assistant principal, and vice-principal shall be observed at least three times during each school year, as required by N.J.S.A. 18A:27-3.1.

A post-observation conference shall follow each observation. The post-observation conference shall consist of a meeting, either in-person or remotely, between the evaluator and the principal, assistant principal, or vice-principal for the purpose of evaluation to discuss the data collected in the observation.

Post-observation conferences shall include the following procedures:

- A. The supervisor who is present at the observation shall conduct a post-observation conference with the principal, assistant principal, or vice-principal being observed. A post-observation conference shall occur no more than 15 teaching staff member 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 principal practice instrument and the principal, assistant principal, or vice-principal's individual professional development plan, collecting additional information needed for the evaluation, and offering areas to improve effectiveness;
- C. With the consent of the observed principal, assistant principal, or vice-principal, post-observation

conferences for individuals who are not on a corrective action plan may be conducted via written communication, including electronic communication;

- D. One post-observation conference may be combined with the principal, assistant principal, or vice-principal's annual summary conference as long as it occurs within the required 15 teaching staff member working days following the observation;
- E. A written evaluation report shall be signed by the supervisor who conducted the observation and post-observation conference and the principal, assistant principal, or vice-principal who was observed;
- F. The principal, assistant principal, or vice-principal shall submit his or her written objection(s) to the evaluation within 10 working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.

An additional observation and post-observation conference shall be required as part of the corrective action plan for any principal, assistant principal, or vice-principal who has been rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics.

Professional Development Plans

The chief school administrator shall oversee and review for each principal and supervisor, professional development that links to individual, school, and district professional development goals and the school district's professional development plan.

The principals and supervisors shall fulfill the professional development requirement through the creation, implementation, and completion of a professional development plan that:

- A. Aligns with the Professional Standards for School Leaders (N.J.A.C. 6A:9-3.4) and the Standards for Professional Learning (N.J.A.C. 6A:9C-3.3);
- B. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the chief school administrator, principals, or supervisors;
- C. Identifies professional goals that address specific individual, school, or district goals; and
- D. Grounds professional development activities in objectives related to improving teaching, learning, and student achievement, and in support of the school and/or district professional development plan.

If a principal, assistant principal, or vice-principal has a corrective action plan, the corrective action plan shall replace content of the individual professional development plan until the next annual summary conference.

Note: See board policy 4131/4131.1 Staff Development.

Corrective Action Plans

A corrective action plan shall be developed for each principal, assistant principal, or vice-principal rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics. The plan shall be developed by the principal, assistant principal, or vice-principal evaluated and the chief school administrator or principal, assistant principal, or vice-principal's supervisor.

A chief school administrator, or his or her designee, and the principal, as appropriate, shall conduct a mid-year evaluation of any principal, assistant principal, or vice-principal who is evaluated as ineffective or partially effective in his/her most recent annual summative evaluation. If the corrective action plan was created before the start of the year, the mid-year evaluation shall occur before February 15; if the corrective action plan was created after the start of the academic year, the mid-year evaluation shall occur before the annual summary conference. The mid-year evaluation shall include, at a minimum:

- A. One observation in addition to the observations required for the regular evaluation process;

- B. One post-observation conference in addition to the post-observation conferences required for the regular evaluation process. During this post-observation conference, progress toward the principal, assistant principal, or vice-principal's goals outlined in the corrective action plan shall be reviewed.

The content of the corrective action plan shall replace the content of the individual professional development plan until the next annual summary conference.

Records

All information contained in written performance reports and all information collected, compiled, and/or maintained by employees of the district for the purposes of conducting the educator evaluation process pursuant to this chapter 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 this section shall be construed to prohibit the Department from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

NJSBA Review/Update: September 2015
 Adopted:

Key Words

Evaluation, Principal Evaluation, Personnel Evaluation, Principal, Assistant Principal, Vice-Principal Evaluation Rubric

<u>Legal References:</u>	<p><u>N.J.S.A. 18A:4-15</u> General rule-making power <u>N.J.S.A. 18A:4-16</u> Incidental powers conferred <u>N.J.S.A. 18A:6-10 et seq.</u> Dismissal and reduction in compensation of persons under tenure in public school system <u>N.J.S.A. 18A:6-117 et seq.</u> Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act</p> <p><u>See particularly:</u> <u>N.J.S.A. 18A:6-119</u> Definitions relative to the TEACHNJ Act <u>N.J.S.A. 18A:6-120</u> School improvement panel <u>N.J.S.A. 18A:6-121</u> Evaluation of principal, assistant principal, vice-principal <u>N.J.S.A. 18A:6-122</u> Annual submission of evaluation rubrics <u>N.J.S.A. 18A:6-123</u> Review, approval of evaluation rubrics <u>N.J.S.A. 18A:27-3.1 through -3.3</u> Nontenured teaching staff; observation and evaluation; conference; purpose <u>N.J.S.A. 18A:27-10 et seq.</u> Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31</p> <p><u>N.J.S.A. 18A:28-5</u> Tenure of teaching staff members <u>N.J.S.A. 18A:29-14</u> Withholding increments; causes; notice of appeals <u>N.J.A.C. 6:30-2.1(a)8</u> Purpose and program descriptions <u>N.J.A.C. 6A:9-1.1 et seq.</u> Professional standards <u>N.J.A.C. 6A:9C-2.1 et seq.</u> Professional development for teaching staff members and school leaders</p> <p><u>See particularly:</u> <u>N.J.A.C. 6A:9C-3.3</u> Standards for professional learning <u>N.J.A.C. 6A:9C-3.8</u> Requirements for school leader professional development in ethics, law and governance</p> <p><u>N.J.A.C. 6A:10-1.1 et seq.</u> Educator effectiveness</p> <p><u>See particularly:</u> <u>N.J.A.C. 6A:10-1.2</u> Definitions <u>N.J.A.C. 6A:10-2.2</u> Duties of district boards of education <u>N.J.A.C. 6A:10-5.1 et seq.</u> Components of principal evaluation</p> <p><u>See particularly:</u> <u>N.J.A.C. 6A:10-5.1 through -5.3</u> Components of principal evaluation rubrics</p>
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<u>N.J.A.C. 6A:10-5.4</u>	Principal, assistant principal, and vice-principal observations
<u>N.J.A.C. 6A:32-5.1 et seq.</u>	Standards for determining seniority

Possible

<u>Cross References:</u>	*2131	Chief School Administrator
	*4112.6/4212.6	Personnel Records
	*4115	Supervision
	*4116	Evaluation of Teaching Staff Members
	*4117.41	Nonrenewal
	*4131/4131.1	Staff Development; In-Service Education/Visitations/Conferences
	*4215	Supervision
	*4216	Evaluation of Support Staff Members
	*4231/4231.1	Staff Development; In-Service Education/Visitations/Conferences
	*6143.1	Lesson Plans

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

Regulation

PRINCIPAL EVALUATION

Principal Evaluation Rubrics

The principal evaluation rubrics selected by the Montague Township School District shall meet the following minimum standards (N.J.S.A. 18A:6-123):

- A. Four defined annual ratings: ineffective, partially effective, effective, and highly effective;
- B. The evaluation rubric must be partially based on multiple objective measures of student learning that assess student growth over a period of time;
- C. The district may determine the methods for measuring student growth in grades in which a state test is not required;
- D. Multiple measures of practice and student learning are used in conjunction with professional standards of practice using a comprehensive evaluation process in rating effectiveness with specific measures and implementation processes;
- E. Standardized assessments shall be used as a measure of student progress but shall not be the predominant factor in the overall evaluation of a teacher;
- F. The rubric is based on the professional standards for that employee;
- G. The performance measures used in the rubric are linked to student achievement;
- H. The employee receives multiple observations during the school year which shall be used in evaluating the employee;
- I. At each observation of a teacher, either the principal, his or her designee who is employed by the district in a supervisory role and capacity, and who possesses a school administrator certificate, principal certificate, or supervisor certificate, the vice-principal, or the assistant principal shall be present.
- J. The staff member who will be observing shall receive training on the use of the teaching practice observation instrument. The training shall be completed before the evaluator conducts the observation;
- K. An opportunity for the employee to improve his or her effectiveness from evaluation feedback;
- L. Guidelines for staff training on the use of the educator practice evaluation instrument to support its implementation, and guidelines for the demonstration of competence in the use and implementation of the educator practice evaluation instrument;
- M. A process for ongoing monitoring and calibration of the observers to ensure that the observation protocols are being implemented correctly and consistently;
- N. A performance framework, associated evaluation tools, and observation protocols, including training and observer calibration resources; and
- O. A process for ensuring that the results of the evaluation help to inform instructional development.

As part of the principal evaluation rubric, the Montague Township Board of Education shall approve and adopt principal practice evaluation instruments that appear on an approved list provided by the New Jersey

Department of Education.

Measurements of the Principal Evaluation Rubric

A. Measures of student achievement (N.J.A.C. 6A:10-5.2)

1. The school-wide student growth percentile, where applicable, of all students assigned to the principal;
2. The average of the student growth objective scores of every teacher assigned to the principal; and
3. Administrator goals set by principals, vice-principals, and assistant principals in consultation with their supervisor which shall be specific and measurable, based on student growth and/or achievement data.

B. Measures of principal practice based on performance observation conducted and calculated according to the district's New Jersey Commissioner of Education-approved principal practice instrument.

Each measure shall be converted to a percentage weight so all measures make up 100 percent of the evaluation rubric. By April 15 prior to each school year the evaluation rubric shall apply. The Department shall provide on its website the required percentage weight of each measure. All components shall be worth the percentage weights or fall within the ranges specified in law (N.J.A.C. 6A:10-5.1c) and board regulation 2130 Principal Evaluation.

Student Growth Percentiles

The student growth percentile (SGP) is 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. Student growth percentile can only be calculated in schools that have grades 4 through 8 which are subject to the New Jersey statewide assessments (see board policy and regulation 4116 Teacher Evaluation for more specific information on SGP).

The median of all qualifying student growth percentile (SGP) scores in a principal's school will be used in principal evaluation. Principals will be broken into three categories:

- A. Multi-Grade SGP Schools – Two or more SGP grades in school
- B. Single-Grade SGP Schools – One SGP grade in school
- C. Non-SGP Schools – No SGP grades in school

Average Student Growth Objective Scores

The average student growth objective (SGO) scores of all teachers, as described in law and board policy and regulation (N.J.A.C. 6A:10-4.2(e)); see board policy and regulation 4116 Teacher Evaluation for more specific information on SGO) shall be a component of the principal's annual summative rating. The average SGOs for assistant principals or vice-principals shall be determined according to the following procedures:

- A. The principal, in consultation with the assistant principal or vice-principal, shall determine prior to the start of the year, which teachers, if not all teachers in the school, shall be linked to the assistant principal and vice-principal's average SGO score.
- B. If the assistant principal or vice-principal does not agree with the list of teachers linked to his or her name for the purposes of this measurement, the principal shall make the final determination.

Administrator Goals for Principals, Assistant Principals, or Vice-Principals

Administrator goals for principals, assistant principals, or vice-principals shall be developed and measured according to the following procedures:

- A. The chief school administrator shall determine for all principals, assistant principals, or vice-principals, the

number of required administrator goals which shall reflect the achievement of a significant number of students within the school. By April 15 prior to the school year to which the evaluation rubric applies, the Department shall provide on the Department's website the minimum and maximum number of required goals, which will be at least one goal and no more than four goals;

- B. Principals, assistant principals, or vice-principals shall develop, in consultation with their supervisor, each administrator goal. Vice-principals and assistant principals shall set goals specific to his or her job description or adopt the same goals as his or her principal. If the principal, assistant principal, or vice-principal and his or her supervisor do not agree upon the student growth objectives, the supervisor shall make the final determination;
- C. Administrator goals and the criteria for assessing performance based on those objectives shall be determined and recorded in the principal, vice-principal, or assistant principal's personnel file by October 15 annually;
- D. The administrator goal score shall be calculated by the supervisor of the principal, vice-principal, or assistant principal. The principal, vice-principal, or assistant principal's administrator goal score, if available, shall be discussed at his or her annual summary conference;
- E. A written evaluation report shall be signed by the supervisor who conducted the observation and post-observation and the principal, assistant principal, or vice-principal who was observed;
- F. The principal, assistant principal, or vice-principal shall submit his or her written objection(s) to the evaluation within 10 working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.

NJSBA Review/Update: September 2015
Adopted:

CHIEF SCHOOL ADMINISTRATOR

The Montague Township Board of Education, in compliance with state law, will evaluate the chief school administrator at least annually. Every newly appointed or elected board member shall complete the New Jersey School Boards Association's training program on the evaluation of chief school administrators within six months of commencing his or her term of office. The purpose of the evaluation shall be:

- A. To promote professional excellence and improve the skills of the chief school administrator;
- B. To improve the quality of the education received by the students served by the public schools of the district;
- C. To provide a basis for the review of the job performance of the chief school administrator.

Role and Responsibility of the Board

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

- A. To complete a New Jersey School Boards Association training program on the evaluation of the chief school administrator within six months of the commencement of newly appointed or elected district board member's term of office (N.J.S.A. 18A:17-20.3.b; see board policy 9200 Orientation and Training of Board Members);
- B. To review, revise, and adopt procedures suggested by the chief school administrator for implementation of this policy;
- C. To determine whether the services of a qualified consultant will contribute substantially to the evaluation process and to engage such a consultant as deemed appropriate to assist the board. The evaluation itself shall be the responsibility of the board;
- D. To adopt an individual plan for professional growth and development of the chief school administrator based in part upon any needs identified in the evaluation. This plan shall be mutually developed by the board and the chief school administrator. The duration of the plan will be three to five years, depending on the chief school administrator's contract with the school district;
- E. To hold an annual summary conference between a majority of its total membership and the chief school administrator. The annual summary conference shall be held before the written performance report is filed. The conference shall be held in private, unless the chief school administrator requests that it be held in public. The conference shall include, but not be limited to, review of the following:
 - 1. Performance of the chief school administrator based upon the job description;
 - 2. Progress of the chief school administrator in achieving and/or implementing the school district's goals, program objectives, policies, instructional priorities, state goals, and statutory requirements; and
 - 3. Indicators of student progress and growth toward program objectives.
- F. To prepare, by July 1, subsequent to the annual summary conference, an annual written performance report, approved by a majority of the full membership of the board. This report shall include:
 - 1. Performance areas of strength;
 - 2. Performance areas needing improvement based upon the job description and evaluation criteria in "E"

CHIEF SCHOOL ADMINISTRATOR (continued)

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

Role and Responsibility of the Chief School Administrator

The board shall determine the role and responsibility in consultation with the chief school administrator. The chief school administrator shall provide information and propose procedures for:

- A. Development of a job description and evaluation criteria, based upon the district's local goals, program objectives, policies, instructional priorities, state goals, statutory requirements, and the functions, duties and responsibilities of the chief school administrator. The evaluation criteria shall include but not be limited to available indicators of student progress;
- B. Specification of methods of data collection and reporting appropriate to the job description;
- C. Design of evaluation instruments suited to reviewing the chief school administrator's performance based upon the job description;
- D. Establishing an evaluation calendar to include a date for the annual conference and including appropriate information to allow proper consideration of all the items to be included in the subsequent written performance report;
- E. After the board's adoption of the annual written performance report, to provide all other appropriate information relative to evaluation of his or her performance not contained in the report.
- F. Preparation and review of the Professional Growth Plan for the administrator's professional development.

The policy shall be delivered to the chief school administrator upon adoption. Amendments to the policy shall be distributed within 10 working days after adoption.

Adopted: October 22, 2008
NJSBA Review/Update: September 2015
Readopted:

Key Words

Superintendent Evaluation, Superintendent Job Description, CSA, Chief School Administrator, Evaluation

Legal References:

Note: These legal references pertain primarily to the chief school administrator's employment and evaluation.

CHIEF SCHOOL ADMINISTRATOR (continued)

Many specific responsibilities are assigned by other statutes and administrative code regulations.

<u>N.J.S.A.</u> 18A:4-15	General rule-making power
<u>N.J.S.A.</u> 18A:6-10 through -17	Dismissal and reduction in compensation of persons under tenure in public school system
<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	<u>School Ethics Act</u>
<u>N.J.S.A.</u> 18A:17-15 through -21	Appointment of superintendents; terms
<u>N.J.S.A.</u> 18A:17-20	Tenured and non-tenured superintendents; general powers and duties
<u>N.J.S.A.</u> 18A:17-24	Clerks in superintendent's office
<u>N.J.S.A.</u> 18A:17-24.1	Shared Administrators, Superintendents
<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions
<u>N.J.S.A.</u> 18A:28-3 through -6.1	No tenure for noncitizens
<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
<u>N.J.S.A.</u> 40A:65-1 <u>et seq.</u>	<u>Uniform Shared Services and Consolidation Act</u>
<u>N.J.A.C.</u> 6A:9B-11	Requirements for Administrative Certification
<u>N.J.A.C.</u> 6A:10-1 <u>et seq.</u>	Teacher effectiveness
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:10-7.1	Evaluation of chief school administrators
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-4.1 <u>et seq.</u>	Employment of Teaching Staff
8 <u>U.S.C.</u> 1101 <u>et seq.</u>	<u>Immigration and Nationality Act</u>

Possible**Cross References:**

*2000/2010	Concepts and Roles in Administration; Goals and Objectives
*2121	Line of Responsibility
*4111	Recruitment, Selection, and Hiring
*4211	Recruitment, Selection, and Hiring
*9000	Role of the Board
*9200	Orientation and Training of Board Members
*9400	Board Self-Evaluation

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

Exhibit: CSA Job Description

TITLE: Chief School Administrator

QUALIFICATIONS:

1. Valid New Jersey School Administrator Certificate or eligibility.
2. An earned master's degree with a major in educational administration, special education, or related field, such as curriculum and supervision.
3. Central office, school administration, and teaching experience as determined by the board.
4. Demonstrated success with curriculum, personnel management, school finance, and strategic planning.
5. Strong leadership and communication skills.
6. Required criminal history background check and proof of U.S. citizenship or legal resident alien status.
7. Proof of current or pending residency in New Jersey.

REPORTS TO: Board of Education

SUPERVISES: Every district employee

JOB GOAL:

To inspire, lead, guide, and direct every member of the administrative, instructional, and support services staff in setting and achieving the highest standard of excellence, and to oversee and administer the use of all district facilities, property, and funds with a maximum of efficiency and a minimum of waste so that each student enrolled in the district may be provided with an appropriate and effective education.

SCOPE OF RESPONSIBILITY:

Leadership and management responsibilities of the chief school administrator shall extend to all activities of the district, to all phases of the educational program, to all aspects of the financial operation, to all parts of the physical plant, and to the conduct of such other duties as may be assigned by the board. The chief school administrator may delegate these duties together with appropriate authority, but may not delegate nor relinquish ultimate responsibility for results or any portion of accountability.

PERFORMANCE RESPONSIBILITIES:

Instructional Leadership

1. Ensures that a system of thorough and efficient education, as defined in state law and code, is available to all students.
2. Ensures that the goals of the school system are reflected in its educational program and operations.
3. Provides for the timely completion of annual district- and school-level reporting and planning requirements, including school report cards, pupil performance objectives and a quality assurance report to the public.
4. Reviews with staff all curriculum guides and courses of study annually in accordance with a board-adopted evaluation schedule. Recommends, for board adoption, curricula, courses, textbooks, and time schedules.
5. Ensures implementation and evaluation of all board-approved written curriculum for all subjects and inclusion of mandated programs and the New Jersey Core Curriculum Content Standards.

CHIEF SCHOOL ADMINISTRATOR (exhibit continued)

6. Provides for curriculum articulation among grades and schools in the district, and between/among constituent districts in a sending-receiving agreement.
7. Encourages staff to develop programs, services, and projects that reflect instructional diversity, alternatives, and flexibility, while assuring an articulated, consistent education for all students.
8. Ensures the effectiveness of the instructional program by measuring student achievement against state and local standards. Initiates program changes as necessary.
9. Develops guidelines and direction for monitoring the effectiveness of existing and new programs.
10. Seeks out available sources for grant funding to support programs and projects.
11. Keeps professionally current and informed on research-based educational practices.
12. Reports to the board regarding the educational programs and facilities of the district.

Personnel Administration

1. Mentors staff and demands high performance. Implements sound personnel practices.
2. Directs and supervises the administrative staff and, through them, all district staff.
3. Develops recruitment and retention procedures to assure well-qualified applicants for professional and nonprofessional positions. Participates in final candidate interviews, as appropriate, and recommends appointment, transfer, renewal, and dismissal of all certified and noncertified staff to the board.
4. Ensures that all staff is appropriately certified and is observed and evaluated annually in accordance with law and established procedures. Recommends certified and noncertified employees for contract renewal and/or tenure appointment.
5. Suspends staff.
6. Provides direction and serves as a resource for management representatives in negotiating with employee bargaining units.
7. Supervises administration of collective bargaining agreements.
8. Recommends and implements the district's professional development plan.
9. Ensures that all teaching staff members fulfill continuing professional development and receive in-service training required by state and federal laws. Assumes responsibility for the maintenance of appropriate documentation in a central file and timely submission of all required reports.

Financial Management

1. Ensures that the budget implements the district's goals.
2. Ensures implementation of board financial policies and district procedures. Provides direction to and supervision of school business functions. Encourages development and implementation of sound business practices.
3. Initiates and supervises development of the annual budget, providing opportunity for staff input. Recommends budget and budget priorities for board approval and communicates the educational and monetary impact of the budget to the community.
4. Ensures that the district develops and implements a multi-year (3-5 years) comprehensive maintenance plan.
5. Oversees school facility management to provide safe, efficient, and attractive buildings, with strong emphasis on preventative maintenance and custodial care. Ensures annual inspections of school buildings for adherence to health and safety codes.

CHIEF SCHOOL ADMINISTRATOR (exhibit continued)

6. Continually assesses business management practices to achieve efficiency.
7. Ensures funds are spent prudently by providing adequate control and accounting of the district's financial and physical resources.

Student Services

1. Ensures that a system of free appropriate special education and/or related services is available to all pupils with educational disabilities.
2. Develops and oversees the delivery of the district's intervention and referral services for pupils who are experiencing difficulties in their classes and who have not been classified as in need of special education.
3. Develops, in consultation with the school physician, a plan for the provision of school nursing services to be adopted by the board.
4. Confers annually with the administrator of each nonpublic school located in the district to plan for nursing services that may be made available pursuant to law and submits an annual written report to the executive county superintendent.
5. Develops and implements policies and procedures related to missing children and the reporting of allegations of child abuse and neglect.
6. Implements a board-approved program of guidance and counseling services.
7. Ensures access to public education for homeless students in accordance with state and federal law and administrative code.

School/Community Relations

1. Promotes community support of the school. Interprets district programs and services, reports plans, events, and activities of interest, and solicits community opinions regarding school and education issues.
2. Identifies available community resources and linkages to social service agencies that support education and healthy child development.
3. Develops strategies to promote parental involvement in their children's education and provides opportunities for parent-teacher interaction.
4. Maintains contact and good relations with local media.
5. Ensures that district interests will be represented in meetings and activities of municipal and other governmental agencies.
6. Represents the school system and its interests in community organizations, activities, and projects.

Board Responsibilities

1. Provides leadership in the implementation of the district's vision, mission, and goals.
2. Serves as a non-voting member of the board and a non-voting *ex-officio* member of all committees created by the board, to participate in discussions and serve as a resource. (The CSA will not count toward the quorum of the committee.)
3. Prepares and recommends short- and long-range plans for board approval and implements those plans when approved.
4. Attends all regular and special meetings of the board, and participates in a professional leadership role. Designates an administrative staff member to serve in his or her absence, when appropriate.

CHIEF SCHOOL ADMINISTRATOR (exhibit continued)

5. Knows board policy and respects the policymaking authority and responsibility of the board.
6. Recommends drafts of new policies or changes to the board. Establishes guidelines and processes for monitoring implementation of board policies.
7. Collects adequate and reliable information before making recommendations and decisions.
8. Prepares, in conjunction with the board president, agenda recommendations relative to all matters requiring board action, including all facts, information, options, and reports needed to assure informed decisions. Provides advice and counsel to the board on matters before it.
9. Provides a communication system to keep the board informed of district issues and critical information needed for decision-making.
10. Anticipates potential problems. Recommends policies or courses of staff action.
11. Keeps the board informed regarding development in other districts or at state and national levels that would be helpful to the district.
12. Ensures that all local, state, and federal standards for the health and safety of students and staff are maintained, and that required reports are maintained.
13. Fulfills all New Jersey statutory obligations and implements the state's education law and the administrative code of the New Jersey Department of Education.
14. Advises the board of its responsibilities under the School Code of Ethics Act; ensures the adoption of policies and procedures regarding required training for board members and the annual distribution, public discussion, and documentation of the Act and the Code of Ethics for school board members.

Policy Development

1. As chief school executive, carries out the policies of the board, exhibiting common sense in the implementation of policy and the interpretation of policy language.
2. Advises the board of the need for new, revised, or deleted policies, and prepares policy drafts for board approval.
3. Supervises the effective implementation of all constitutional or statutory laws, state regulations, and board policies.
4. Makes such rules, procedures/guidelines, and forms, and give such instructions to school employees and students, as may be necessary to implement board policy.
5. Supervises the efficient maintenance and dissemination of all board policy documents.
6. Acts on own discretion if action is necessary in any matter not covered by board policy, reports such action to the board as soon as practicable, and prepares draft policy for review, modifications, if necessary, and adoption by the board.

TERMS OF EMPLOYMENT: Twelve months; appointed for a period of 3-5 years; serves in accordance with the terms of the contract between the board and the chief school administrator.

Salary to be determined by the board, with approval by the executive county superintendent, consistent with NJDOE regulations.

ANNUAL EVALUATION: Performance of this job will be evaluated annually. The evaluation shall be prepared by July 1 in accordance with NJ State law and the provisions of board policy 2131.

Adopted: October 22, 2008

CHIEF SCHOOL ADMINISTRATOR (exhibit continued)

NJSBA Review/Update: September 2015
 Readopted:

Legal References:

<u>N.J.S.A. 13:1f-19 et seq.</u>	<u>School Integrated Pest Management Act</u>
<u>N.J.S.A. 18A:6-7.1-7.5</u>	Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
<u>N.J.S.A. 18A:7A-10</u>	New Jersey Quality Single Accountability Continuum
<u>N.J.S.A. 18A:7A-11</u>	Reports by school districts, commissioner; interim review
<u>N.J.S.A. 18A:7E</u>	School report card and efficiency programs
<u>N.J.S.A. 18A:7F-43</u>	<u>School Funding Reform Act of 2008</u>
<u>N.J.S.A. 18A:12-21</u>	<u>School Ethics Act</u>
<u>N.J.S.A. 18A:12-24</u>	School officials; prohibited conduct
<u>N.J.S.A. 18A:16-1</u>	Officers and employees in general
<u>N.J.S.A. 18A:16-1.3</u>	Notification of dismissal for cause of non-tenured certificated employee
<u>N.J.S.A. 18A:16-2</u>	Physical examinations; requirement
<u>N.J.S.A. 18A:17-15-21</u>	Appointment of superintendents; terms
<u>N.J.S.A. 18A:17-24.1-24.9</u>	Superintendents and school business administrators shared by two or more districts; approval
<u>N.J.S.A. 18A:17-46</u>	Act of violence; report by school employee; notice of action taken; annual report
<u>N.J.S.A. 18A:27-4.1</u>	Appointment, transfer, removal, or renewal of officers and employees; exceptions
<u>N.J.S.A. 18A:36-24 et seq.</u>	Missing and abused children
<u>N.J.S.A. 18A:37</u>	Discipline of pupils
<u>N.J.S.A. 34:5A</u>	<u>N.J. Worker and Community Right to Know Act</u>
<u>N.J.S.A. 52:17B-9.8a,-9.8c et al</u>	Missing child defined; marking of missing; child's record; notification of requests for marked records; marking of missing child's birth certificate; notification of requests for copy of marked certificate
<u>N.J.A.C. 6A:5</u>	Regulatory equivalency and waiver
<u>N.J.A.C. 6A:7</u>	Managing for equality and equity in education
<u>N.J.A.C. 6A:8</u>	Standards and assessment
<u>N.J.A.C. 6A:9</u>	Professional licensure and standards
See particularly:	
<u>N.J.A.C. 6A:9-3</u>	Professional standards for teachers and school leaders
<u>N.J.A.C. 6A:9B-10</u>	Requirements for instructional certificate
<u>N.J.A.C. 6A:9B-11</u>	Requirements for administrative certification
<u>N.J.A.C. 6A:9C-3.4 to -3.6</u>	Required professional development for teachers
<u>N.J.A.C. 6A:9C-3.7 and -3.8</u>	Required professional development for school leaders
<u>N.J.A.C. 6A:10</u>	Educator effectiveness
See particularly:	
<u>N.J.A.C. 6A:10-2.1 et seq.</u>	Evaluation of teaching staff members
<u>N.J.A.C. 6A:10-8.1 et seq.</u>	Evaluation of chief school administrators
<u>N.J.A.C. 6A:14</u>	Special education
<u>N.J.A.C. 6A:15</u>	Bilingual education
<u>N.J.A.C. 6A:16</u>	Programs to support student development
<u>N.J.A.C. 6A:17</u>	Students at risk of not receiving a public education
<u>N.J.A.C. 6A:23A</u>	Fiscal accountability, efficiency and budgeting procedures
<u>N.J.A.C. 6A:26</u>	Educational facilities
<u>N.J.A.C. 6A:26-2</u>	Educational facilities; long range facilities plan

CHIEF SCHOOL ADMINISTRATOR (exhibit continued)

<u>N.J.A.C.</u> 6A:26-3	Educational facilities; capital project review
<u>N.J.A.C.</u> 6A:27	Transportation
<u>N.J.A.C.</u> 6A:30	Evaluation of the performance of school districts
<u>N.J.A.C.</u> 6A:32	School operations
<u>N.J.A.C.</u> 6A:32-3.2	Requirements for the code of ethics for school board members and charter school board of trustee members
<u>N.J.A.C.</u> 6A:32-7.3	Pupil records
<u>N.J.A.C.</u> 12:100-4.2	Occupational Safety & Health Standards Adoption by reference
42 <u>U.S.C.</u> 12101 <u>et seq.</u>	<u>Americans with Disabilities Act (ADA)</u>
29 <u>CFR</u> 1910.1030	Bloodborne Pathogens Standard
20 <u>U.S.C.</u> 1400 <u>et seq.</u>	<u>Individuals With Disabilities Education Act (IDEA)</u> , reauthorized 1997, P.L. 105-17 (formerly the <u>Education for All Handicapped Act</u>)
20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	<u>No Child Left Behind Act of 2001</u> , P. L. 107-110,
29 <u>CFR</u> 1910.1450	Occupational Exposure to Hazardous Chemicals in Laboratories Standard

Policy

EMPLOYMENT OF THE CHIEF SCHOOL ADMINISTRATOR

The Montague Township Board of Education recognizes that the chief school administrator is primarily responsible for the administration of this school district. The appointment of the chief school administrator is one of the most important functions this board can perform. The chief school administrator shall have a seat on the board and the right to speak on matters at meetings of the board (pursuant to N.J.S.A. 18A:17-20.a or N.J.S.A. 18A:17-20.b), but shall have no vote.

Recruitment Procedures

The board shall actively seek the best qualified and most capable candidate for the position of chief school administrator. The board may use a consultant service to assist in the recruitment process.

Recruitment procedures may include, but are not limited to, the following activities:

- A. The preparation of a new or review of an existing written job description;
- B. Preparation of informative material describing the school district and its educational goals and objectives;
- C. Solicitation of applications from a wide geographical area; and
- D. Strict compliance with law for equal employment opportunity (see policies 2224 and 4111.1/4211.1 Nondiscrimination/Affirmative Action).

Application Review

The board will establish appropriate application and interview procedures for applicants including:

- A. Establishing an ad-hoc search committee to screen applications and conduct preliminary interviews of candidates;
- B. Advertising the vacancy in as many publications as practical;
- C. Providing all applicants with an opportunity to visit the district;
- D. Providing all final candidates with a fair and equal opportunity to be interviewed by the full board.

Qualifications

The candidate must possess or be eligible for a valid New Jersey administrative certificate endorsed for school administrator or a provisional school administrator's endorsement in accordance with N.J.A.C. 6A:9B-11.4 et seq. and must qualify for employment following a criminal history record check. The candidate must be a resident of New Jersey or be willing to establish residency in New Jersey as a condition of employment. Candidates shall meet any additional criteria established by the board at the time of the search.

Employment Contract

The chief school administrator must enter an employment contract with the board.

The contract will include a term of employment not less than three years and not more than five, and will state clearly:

EMPLOYMENT OF THE CHIEF SCHOOL ADMINISTRATOR (continued)

- A. The start and end dates of the employment;
- B. The salary to be paid for each year;
- C. The benefits to be received; and
- D. A provision for termination of the contract by the chief school administrator on 60 days' notice.

During the term of the contract, the chief school administrator may be dismissed or reduced in compensation only for just cause and only by the New Jersey Commissioner of Education pursuant to tenure hearing laws. The contract will automatically renew for the same terms and under the same conditions unless the parties have entered into a new contract, which may provide a different term of not less than three years and not more than five, or the board has notified the chief school administrator at least one contract year in advance of the expiration of the contract that the existing contract will not be renewed.

Physical Examination

Any person appointed as the chief school administrator must meet the requirements of physical examination as detailed in policy 4112.4/4121.4 Employee Health.

Disqualification

Any candidate's misstatement of fact material to qualifications for employment or the determination of salary will be considered by this board to constitute grounds for dismissal.

Certificate Revocation

In accordance with N.J.A.C. 6A:23A-3.1(e)(12), in the event the chief school administrator's certificate is revoked, the chief school administrator's contract is null and void.

Adopted: October 22, 2008
 NJSBA Review/Update: September 2015
 Readopted:

Key Words

Chief school administrator, CSA, Chief school administrator, Hiring, Selection, Employment

<u>Legal References:</u>	<u>N.J.S.A. 18A:16-1</u> <u>N.J.S.A. 18A:17-15</u> through -21 <u>N.J.S.A. 18A:17-20</u> <u>N.J.S.A. 18A:17-24.1</u> <u>N.J.S.A. 18A:28-3</u> through -6.1 <u>N.J.S.A. 40A:65-1 et seq.</u> <u>N.J.A.C. 6A:9B-11 et seq.</u> <u>N.J.A.C. 6A:23A-3.1,-3.2</u> <u>N.J.A.C. 6A:28-1.1 et seq.</u> <u>N.J.A.C. 6A:30-1.1 et seq.</u>	Officers and employees in general Appointment of chief school administrators; terms; Tenured and non-tenured chief school administrators; general powers and duties Shared Administrators, Chief school administrators No tenure for noncitizens <u>Uniform Shared Services and Consolidation Act</u> Requirements for Administrative Certification Administrator and board member accountability School Ethics Commission Evaluation of the Performance of School Districts
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Possible

<u>Cross References:</u>	*2000/2010 *2121 *2131 *2224	Concepts and Roles in Administration; Goals and Objectives Line of Responsibility Chief School Administrator Nondiscrimination/Affirmative Action
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EMPLOYMENT OF THE CHIEF SCHOOL ADMINISTRATOR (continued)

*4111	Recruitment, Selection, and Hiring
*4111.1/4211.1	Nondiscrimination/Affirmative Action
4112.4/4121.4	Employee Health
*4211	Recruitment, Selection, and Hiring
*9000	Role of the Board
*9400	Board Self-Evaluation

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

Policy

EMPLOYMENT, DUTIES, AND EVALUATION
OF THE SCHOOL BUSINESS ADMINISTRATOR/BOARD SECRETARY

Appointment

The chief school administrator shall interview and recommend to the Montague Township Board of Education a qualified person to fill a vacancy in the position of school business administrator/board secretary. The board shall appoint the school business administrator/board secretary within a reasonable time after the occurrence of the vacancy and by the recorded roll call vote of a majority of the full board. The board shall also fix the compensation to be paid to the school business administrator/board secretary.

All candidates for the position of school business administrator/board secretary must produce evidence of their certification, training, and experience in the fields of government, accounting, financial report preparation, and budget and accounting management.

Every serious candidate for the position of school business administrator/board secretary shall be interviewed by the chief school administrator.

Duties

The school business administrator/board secretary shall strive to achieve district goals for pupils by providing leadership and supervision in the district program of fiscal management and in other assigned programs, and by acting as a proper model for staff and pupils both in and outside the school district.

In order to achieve the functions of the position, the school business administrator/board secretary shall work cooperatively with the district administrative staff to:

- A. Establish and maintain long-range and other fiscal plans;
- B. Prepare the annual budget based upon district resources and needs;
- C. Insure that all district fiscal, insurance, custodial-maintenance, food, technology, and transportation services comply with the policies of the board and the regulations of the district;
- D. Insure the proper functioning and evaluation of district personnel assigned to his or her area of responsibility;
- E. Manage efficiently the district systems of accounting, purchasing, investment, insurance, plant construction, plant operation and maintenance, transportation, and food services;
- F. Strive to increase the capability of the staff assigned to his or her area of responsibility through consultation and in-service training;
- G. Analyze the effectiveness of district programs in his or her area of responsibility, and recommend changes in program direction, staffing, or management strategies as necessary;
- H. Strive to increase the efficient use of district resources in his or her area of responsibility;
- I. Help to interpret the budget and the district affairs under his or her supervision to interested members of the school district community;
- J. Strive to develop personal capabilities in financial strategies and supervisory methods;

EMPLOYMENT AND DUTIES OF BA/BS (continued)

- K. Strive to conduct himself or herself in a proper manner at all times;
- L. Be responsible for the conduct of all duties legally assigned to his or her position, including;
1. Providing adequate notice of all public meetings of the board to the members and to those requesting notice in accordance with law, N.J.S.A. 10:4-8d, 10:4-19, 18A:10-4, 18a:17-7;
 2. Recording the minutes of all proceedings of the board and the results of annual or special school elections, N.J.S.A. 18A:17-7;
 3. Posting and giving notice of annual and special elections, N.J.S.A. 18A:17-7;
 4. Performing all duties concerning the conduct of school elections, N.J.S.A. 18A:14-1 *et seq.*;
 5. Examining and auditing all accounts and demands against the board, presenting them to the board at its meetings, indicating the board's approval, and sending them to the treasurer for payment, N.J.S.A. 18A:17-8, 18A:19-4;
 6. Keeping accounts of the district's financial transactions, including a correct detailed accounting of all expenditures, N.J.S.A. 18A:17-8;
 7. Reporting to the board at each regular meeting, but not more often than once per month, the amount of the total appropriations and cash receipts for each account, the amounts of warrants drawn against each account, and the amounts of orders or contractual obligations incurred and chargeable against each account, N.J.S.A. 18A:17-9;
 8. Keeping all contracts, records, and documents belonging to the board, N.J.S.A. 18A:17-9;
 9. Giving the board a detailed report of its financial transactions at the close of each fiscal year and filing a copy with the executive county superintendent, N.J.S.A. 18A:17-10;
 10. Reporting to the New Jersey Commissioner of Education annually the amount of unpaid school debt, the interest rate payable, the dates of issue, and the due dates of bonds or other indebtedness, N.J.S.A. 18A:17-12;
 11. Preparing a summary of the annual audit and recommendations prior to the meeting of the board to act thereon, and supplying copies of the summary to interested persons, N.J.S.A. 18A:23-4;
 12. Subscribing to bonds, notes, contracts, and other legal instruments of the board for which the signature of the board secretary is required, N.J.S.A. 18A:24-32;
 13. Signing all school district warrants and certifying the payroll, N.J.S.A. 18A:19-1, 19-9.
- M. Perform such other duties as may be required by the board or chief school administrator. The school business administrator/board secretary shall be directly responsible to the chief school administrator for the performance of his or her assigned duties and responsibilities as school business administrator and to the board for the performance of his or her legal duties as board secretary.

Evaluation of the School Business Administrator/Board Secretary

The chief school administrator will annually evaluate the performance of the school business administrator/board secretary for the conduct of all school business administration functions and board secretarial duties in the district. This evaluation shall assess the proper discharge the responsibilities detailed in the job description, and shall include a professional development plan. The chief school administrator may, in his or her discretion, consult with staff members assigned to work with the school business administrator.

Procedures for the evaluation of the school business administrator/board secretary may include, but are not limited to, an informal conference with the school business administrator/board secretary for the purpose of discussing his or her job performance, a written evaluation report to which the school business administrator/board secretary may add comments, and the establishment of a written plan for performance improvement and growth.

Adopted: October 22, 2008
 NJSBA Review/Update: September 2015
 Readopted:

Key Words

EMPLOYMENT AND DUTIES OF BA/BS (continued)

Business Administrator, Board Secretary

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 10:4-6 <u>et seq.</u> <u>N.J.S.A.</u> 18A:6-7.1 through -7.5</p> <p><u>N.J.S.A.</u> 18A:12 <u>N.J.S.A.</u> 18A:12-24 <u>N.J.S.A.</u> 18A:16-1 <u>N.J.S.A.</u> 18A:16- <u>N.J.S.A.</u> 18A:17-1</p> <p><u>N.J.S.A.</u> 18A:17-2</p> <p><u>N.J.S.A.</u> 18A:17-5 <u>N.J.S.A.</u> 18A:17-6 <u>N.J.S.A.</u> 18A:17-7 <u>N.J.S.A.</u> 18A:17-8 <u>N.J.S.A.</u> 18A:17-9 <u>N.J.S.A.</u> 18A:17-10 <u>N.J.S.A.</u> 18A:17-11 <u>N.J.S.A.</u> 18A: 17-12 <u>N.J.S.A.</u> 18A:17-12.1, -12.2 <u>N.J.S.A.</u> 18A:17-13</p> <p><u>N.J.S.A.</u> 18A:17-14 <u>N.J.S.A.</u> 18A:17-14.1</p> <p><u>N.J.S.A.</u> 18A:17-14.2 <u>N.J.S.A.</u> 18A:17-14.3</p> <p><u>N.J.S.A.</u> 18A:19 <u>et seq.</u> <u>N.J.S.A.</u> 18A:23-4 <u>N.J.S.A.</u> 18A:28-5 <u>N.J.S.A.</u> 19:60 <u>N.J.S.A.</u> 34:5A-1 <u>et seq.</u> <u>N.J.S.A.</u> 47:1A <u>N.J.A.C.</u> 6A:7 <u>N.J.A.C.</u> 6A:9 See particularly: <u>N.J.A.C.</u> 6A:9-3.4 <u>N.J.A.C.</u> 6A:9B-11.3 <u>N.J.A.C.</u> 6A:32-3.2</p> <p><u>N.J.A.C.</u> 6A:10-1.1 <u>et seq.</u> See particularly: <u>N.J.A.C.</u> 6A:10-1.2 <u>N.J.A.C.</u> 6A:10-1.4 <u>N.J.A.C.</u> 6A:10-2.2 <u>N.J.A.C.</u> 6A:10-2.3 <u>N.J.A.C.</u> 6A:10-2.4 <u>N.J.A.C.</u> 6A:32-6.1 <u>N.J.A.C.</u> 8:59-11.1 <u>et seq.</u> <u>N.J.A.C.</u> 12:100-4.2</p>	<p><u>Open Public Meetings Act</u> Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception</p> <p><u>School Ethics Act</u> School officials; prohibited conduct Officers and employees in general Physical examinations; requirement Removal, etc., of secretaries, assistant secretaries and school business administrators Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees Appointment of secretary; terms; compensation; vacancy Bond of secretary Secretary to give notices and keep minutes, etc. Secretary; collection of tuition and auditing of accounts Secretary; report of appropriations, etc., Secretary; annual report Secretary; taking oaths Secretary; annual financial report to the commissioner</p> <p>Secretary; retirement or pension; amount Assistant and acting secretaries; appointment, powers and duties Clerks in the secretary's office Appointment of school business administrator; may act as secretary; duties; etc. Qualifications Secretary or business manager appointed school administrator; tenure Expenditure of Funds; Audit and Payment of Claims Preparation and distribution of synopsis or summary Tenure of teaching staff members School election N. J. Worker and Community Right to Know Act Public access to government records Managing for equality and equity in education Professional standards</p> <p>Professional standards for school leaders Authorization Requirements for the code of ethics for district board of education members and charter school board of trustees Educator effectiveness</p> <p>Definitions Educator evaluation data, information and written reports Evaluation of teaching staff members Evaluation of tenured teaching staff members Evaluation of nontenured teaching staff members Requirements of physical examinations N. J. Worker and Community Right to Know Act Safety and health standards for public employees</p>
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EMPLOYMENT AND DUTIES OF BA/BS (continued)

occupational exposure to bloodborne pathogens

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

Bloodborne Pathogen Standard, 29 CFR 1910.1030

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act (IDEA), reauthorized 1997, P.L. 105-17 (formerly the Education for All Handicapped Act)No Child Left Behind Act of 2001, P. L. 107-110, 20 U.S.C.A. 6301 et seq.**Possible**

<u>Cross References:</u>	*2000/2010	Concepts and Roles in Administration; Goals and Objectives
	*2121	Line of Responsibility
	2130.2	Evaluation of the School Business Administrator/Board Secretary
	*2131	Chief School Administrator
	*3000/3010	Concepts and Roles; Goals and Objectives in Business and Noninstructional Operations
	*4111	Recruitment, Selection, and Hiring
	*4211	Recruitment, Selection, and Hiring
	*9000	Role of the Board
	9125	Treasurer of School Moneys
	*9323/9324	Agenda Preparation; Advance Delivery of Meeting Material
	*9326	Minutes

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

Policy

ADMINISTRATIVE EMPLOYMENT CONTRACTS

With respect to the employment of the chief school administrator and school business administrator/board secretary, the Montague Township Board of Education shall defer final review and approval of the following to the executive county superintendent:

- A. New employment contracts, including contracts that replace expired contracts for existing tenured and non-tenured employees;
- B. Renegotiations, extensions, amendments, or other alterations of the terms of existing employment contracts that have been previously approved by the executive county superintendent; and
- C. Provisions for contract extensions where such terms were not included in the original employment contract or are different from the provisions contained in the original approved employment contract.

In counties where there is no executive county superintendent or acting executive county superintendent, the New Jersey Department of Education's assistant commissioner for field services shall review and approve all above contracts.

The contract review and approval shall take place prior to any required public notice and hearing, pursuant to N.J.S.A. 18A:11-11, and prior to the board approval and execution of those contracts, to ensure compliance with all applicable laws, including but not limited to N.J.S.A. 18A:30-3.5, 18A:30-9, 18A:17-15.1 and 18A:11-12.

Although the public notice and public hearing requirements of N.J.S.A. 18A:11-11 do not apply to new contracts and contracts that replace expired contracts for existing employees in one of these positions, whether tenured or not tenured, the board may issue a public notice and/or hold a public hearing on new contracts, including new contracts that replace expired contracts for existing tenured and non-tenured employees.

In connection with the executive county superintendent's review of the contract, the board shall provide the executive county superintendent with a detailed statement setting forth the total cost of the contract for each applicable year, including salary, longevity (if applicable), benefits, and all other emoluments.

Review and Approval

The review and approval shall be consistent with the following additional standards:

- A. Contracts for each class of administrative position shall be comparable with the salary, benefits, and other emoluments contained in the contracts of similarly credentialed and experienced administrators in other school districts in the region with similar enrollment, academic achievement levels and challenges, and grade span;
- B. No contract shall include provisions that are inconsistent with the travel requirements pursuant to N.J.S.A. 18A:11-12, including, but not limited to, the provisions for mileage reimbursement and reimbursement for meals and lodging in New Jersey. Any contractual provision that is inconsistent with law is superseded by the law;
- C. No contract shall include provisions for the reimbursement or payment of employee contributions that are either required by law or by a contract in effect in the district with other teaching staff members, such as payment of the employee's state or federal taxes, or of the employee's contributions to FICA, Medicare, state pensions and annuities (TPAF), life insurance, disability insurance (if offered), and health benefit

ADMINISTRATOR EMPLOYMENT CONTRACTS (continued)

costs;

- D. No contract shall contain a payment as a condition of separation from service that is deemed by the executive county superintendent to be prohibited or excessive in nature. The payment cannot exceed the lesser of the calculation of three months' pay for every year remaining on the contract with proration for partial years, not to exceed 12 months, or the remaining salary amount due under the contract;
- E. No contract shall include benefits that supplement or duplicate benefits that are otherwise available to the employee by operation of law, an existing group plan, or other means; e.g., an annuity or life insurance plan that supplements or duplicates a plan already made available to the employee. Notwithstanding the provisions of this section, a contract may contain an annuity where those benefits are already contained in the existing contract between the employee and the district;
- F. Contractual provisions regarding accumulation of sick leave and supplemental compensation for accumulated sick leave shall be consistent with N.J.S.A. 18A:30-3.5. Supplemental payment for accumulated sick leave shall be payable only at the time of retirement and shall not be paid to the individual's estate or beneficiaries in the event of the individual's death prior to retirement. Pursuant to N.J.S.A. 18A:30-3.2, a new board contract may include credit of unused sick leave in accordance with the new board's policy on sick leave credit for all employees;
- G. Contractual provisions regarding accumulation of unused vacation leave and supplemental compensation for accumulated unused vacation leave shall be consistent with N.J.S.A. 18A:30-9. Contractual provisions for payments of accumulated vacation leave prior to separation can be included but only for leave accumulated prior to June 8, 2007, and remaining unused at the time of payment. Supplemental payments for unused vacation leave accrued consistent with the provisions of N.J.S.A. 18A:30-9 after June 8, 2007, as well as unused vacation leave accumulated prior to June 8, 2007, that has not been paid, shall be payable at the time of separation and may be paid to the individual's estate or beneficiaries in the event of the individual's death prior to separation;
- H. Contractual provisions that include a calculation of per diem for 12-month employees shall be based on a 260-day work year;
- I. No provision for a bonus shall be made, except where payment is contingent upon achievement of measurable specific performance objectives expressly contained in a contract approved pursuant to N.J.A.C. 6A:23A-3.1, where compensation is deemed reasonable relative to the established performance objectives, and achievement of the performance objectives has been documented to the satisfaction of the board;
- J. No provision for payment at the time of separation or retirement shall be made for work not performed, except as otherwise authorized above;
- K. No contract shall include a provision for a monthly allowance, except for a reasonable car allowance. A reasonable car allowance cannot exceed the monthly cost of the average monthly miles traveled for business purposes multiplied by the allowable mileage reimbursement pursuant to applicable law and regulation and NJOMB circulars. If such allowance is included, the employee cannot be reimbursed for business travel mileage nor assigned permanently a car for official district business. Any provision of a car for official district business must conform with N.J.A.C. 6A:23A-6.12 and be supported by detailed justification. No contract can include a provision of a dedicated driver or chauffeur;
- L. All chief school administrator contracts shall include the required provision, pursuant to N.J.S.A. 18A:17-51, which states that in the event the chief school administrator's certificate is revoked, the contract is null and void.

Any actions by the executive county superintendent undertaken pursuant to N.J.A.C. 6A:23A-2.1 and this policy may be appealed to the New Jersey Commissioner of Education pursuant to the procedures set forth at N.J.A.C. 6A:3.

ADMINISTRATOR EMPLOYMENT CONTRACTS (continued)

Adopted: October 22, 2008
 NJSBA Review/Update: September 2015
 Readopted:

Key Words

Contract, Employment Contract, Administrator Salary, Administrator Benefits

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:11-11	Notice of proposed contract term changed for certain school officials; time for notice; hearing
<u>N.J.S.A.</u> 18A:11-12	Travel and expenditures; definitions; policies and procedures; application to charter schools
<u>N.J.S.A.</u> 18A:17-15.1	Revocation of certificate of the superintendent
<u>N.J.S.A.</u> 18A:17-51	Building and grounds supervisor; certification as educational facilities manager
<u>N.J.S.A.</u> 18A:30-3.2	Credit with unused sick leave
<u>N.J.S.A.</u> 18A:30-3.5	Restrictions on payment of supplemental compensation for accumulated unused sick leave; exceptions
<u>N.J.S.A.</u> 18A:30-9	Cap on accrued vacation time allowed; carry-over in certain circumstances
<u>N.J.A.C.</u> 6A:3	Controversies and disputes
<u>N.J.A.C.</u> 6A:23A-2.1	Executive county superintendent of schools
<u>N.J.A.C.</u> 6A:23A-3.1	Administrator and board member accountability
<u>N.J.A.C.</u> 6A:23A-6.12	District vehicle assignment and use policy

Possible

<u>Cross References:</u> *2000/2010	Concepts and Roles in Administration; Goals and Objectives
*2121	Line of Responsibility
*2131	Chief School Administrator
*4111	Recruitment, Selection, and Hiring
*4211	Recruitment, Selection, and Hiring
*9000	Role of the Board

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

Policy

ADMINISTRATIVE LEEWAY IN ABSENCE OF BOARD POLICY

In cases where the Montague Township Board of Education has provided no guidelines for administrative action and immediate action must be taken within the district, the chief school administrator shall have the power to act, but his or her decisions shall be subject to review by the board at its next regular meeting.

It shall be the duty of the chief school administrator to inform the board promptly of such action and of the need for policy to address such matters in the future.

Adopted: October 22, 2008

NJSBA Review/Update: September 2015

Readopted:

Key Words

Administrative Leeway in Absence of Board Policy, Absence of Board Policy

Legal References: N.J.S.A. 18A:11- 1 General mandatory powers and duties
N.J.S.A. 18A:17-20 Tenured and non-tenured superintendents; general powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *3516 Safety
4135.16/4235.16 Work Stoppages/Strikes
*5131.6 Drugs, Alcohol, Steroids, Tobacco (Substance Abuse)
*5141.1 Accidents
*5141.2 Illness
*6114 Emergencies and Disaster Preparedness
*9311 Formulation, Adoption, and Amendment of Policies
*9313 Formulation, Adoption, and Amendment of Administrative Regulations

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

Policy

NONDISCRIMINATION/AFFIRMATIVE ACTION

State and federal statutes and regulations prohibit school districts from using discriminatory practices in employment or in educational opportunities against any person based on race, color, national origin, nationality, ancestry, creed, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability, nonapplicable disability, genetic information, refusal to submit to or make the results of a genetic test known, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood.

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

The chief school administrator shall oversee the development and implementation of the three-year comprehensive equity plan to ensure that the district provides equality in educational programs and to identify and correct, or assess and prevent, all bias, discrimination, and impermissible isolation in policies, practices, and facilities of the district. Upon approval of this plan by the New Jersey Department of Education, the board shall adopt it by resolution. The chief school administrator shall report to the board annually on progress toward goals established in the plan. A copy of the district's affirmative action/equity plans and self-evaluation of their achievement shall be available in the district office.

Affirmative Action Officer and Team

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

The affirmative action officer shall:

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

The affirmative action team shall:

- A. Develop the comprehensive equity plan in compliance with administrative code;
- B. Oversee the implementation of the district's comprehensive equity plan;
- C. Collaborate with the affirmative action officer in coordinating the required professional development training;

- D. Monitor the implementation of the comprehensive equity plan; and
- E. Conduct the annual district internal monitoring to ensure continuing compliance with state and federal law and code.

Harassment

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

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

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

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

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

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

School and Classroom Practices

In implementing affirmative action, the district shall:

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

These topics are included in policies 5145.4 Equal Educational Opportunity, 6121 Nondiscrimination/Affirmative Action, and 6145 Extracurricular Activities.

Contract/Employment Practices

The district directs the chief school administrator to ensure that appropriate administrators implement the district's affirmative action policies by:

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

These topics are included in policies 3320 Purchasing Procedures, 3327 Relations with Vendors, and 4111.1/4211.1 Nondiscrimination/Affirmative Action.

Disabled

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

Report on Implementation

The chief school administrator shall devise regulations, including grievance forms and procedures, to implement the district's affirmative action policies. He or she shall report to the board annually on the effectiveness of this policy and the implementing procedures.

Adopted: October 22, 2008
 NJSBA Review/Update: September 2015
 Readopted:

Key Words

Affirmative Action, Discrimination, Americans With Disabilities Act, Access, Nondiscrimination, Sexual Harassment, Harassment, Equal Educational Opportunity, Domestic Partnership Act

<u>Legal References:</u>	<u>N.J.S.A.</u> 2C:16-1	Bias intimidation
	<u>N.J.S.A.</u> 2C:33-4	Harassment
	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:6-5	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
	<u>N.J.S.A.</u> 18A:18A-17	Facilities for handicapped persons
	<u>N.J.S.A.</u> 18A:26-1	Citizenship of teachers, etc.
	<u>N.J.S.A.</u> 18A:26-1.1	Residence requirements prohibited
	<u>N.J.S.A.</u> 18A:29-2	Equality of compensation for male and female teachers
	<u>N.J.S.A.</u> 18A:37-14	Harassment, intimidation, and bullying defined; definitions
	through -19	

N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act
N.J.A.C. 5:23-7.1 et seq. Barrier free subcode of the uniform construction code
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education

See particularly:

N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.7, -1.8
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Executive Order 11246 as amended

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

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

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

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

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

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

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

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

State v. Mortimer, 135 N.J. 517 (1994)

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

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

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

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

Comprehensive Equity Plan, New Jersey Department of Education

Possible**Cross References:**

*3320	Purchasing Procedures
*3327	Relations with Vendors
*4111	Recruitment, Selection, and Hiring
*4111.1/4211.1	Nondiscrimination/Affirmative Action
*4131/4131.1	Staff Development; In-Service Education/Visitations/Conferences
*4211	Recruitment, Selection, and Hiring
*4231/4231.1	Staff Development; In-Service Education/Visitations/Conferences
*5131	Conduct/Discipline
*5131.1	Harassment, Intimidation and Bullying
*5145.4	Equal Educational Opportunity
*6121	Nondiscrimination/Affirmative Action
*6145	Extracurricular Activities

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

Regulation

NONDISCRIMINATION/AFFIRMATIVE ACTION

Section 504 Complaint Procedures

In compliance with Section 504 of the Rehabilitation Act of 1973, as administered by the U.S. Department of Health, Education, and Welfare, regarding the establishment of complaint procedures for students and public employees who may have been denied the benefits of participation in or have been subject to discrimination under any program or activity of this district solely by reason of disability, the Montague Township Board of Education promulgates the following procedures for the orderly settlement of complaints of students and employees of the school district.

Definitions Section 504

"Aggrieved individual" means a student or employee who alleges a grievance, or the representative of such student or employee.

"Compliance officer" means the district official responsible for the coordination of activities relating to compliance with Section 504.

"Grievance" means an unresolved problem concerning the interpretation or application by an officer or employee of this school district of law and regulations regarding discrimination by reason of disability.

"Immediate supervisor" means any employee responsible for, or exercising any degree of supervision or authority over another employee or student.

"Student" means an individual enrolled in any formal educational program provided by the school district.

Grievance Procedure – Employment

This grievance procedure shall apply to employees with alleged discriminatory act(s) under the provisions of Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act:

- A. The aggrieved individual shall file a written complaint, stating the specific facts of his or her grievance and the alleged discriminatory act, with the compliance officer.
- B. The compliance officer shall make all reasonable efforts to resolve the matter informally by having the aggrieved individual review the complaint with his or her immediate supervisor.
- C. The immediate supervisor shall render a determination to the aggrieved individual within 10 working days after hearing the complaint. If such complaint is not satisfactorily resolved at this stage, the aggrieved individual may proceed to the next stage.
- D. Within 10 working days after a determination has been made at the preceding stage, the aggrieved individual may present the complaint in writing to the compliance officer for review and determination.
- E. The compliance officer shall immediately notify the individual, immediate supervisor, and the principal in the case to submit written statements to him or her within 10 working days, setting forth the specific nature of the complaint, the facts relating thereto, and the determinations previously rendered.
- F. The compliance officer shall notify all parties concerned in the case of the time and place when an informal hearing will be held where the parties may appear and present oral and written statements

NONDISCRIMINATION/AFFIRMATIVE ACTION (regulation continued)

supplementing their position in the case and the manner in which the hearing will be conducted. Such hearing shall be held within 10 working days of receipt of the written statements.

- G. The compliance officer shall render a determination within 10 working days after the written statements have been presented to him or her, or 10 working after the completion of the informal hearing, whichever is later. The compliance officer will provide a written copy of his or her determination to all parties.
- H. The aggrieved individual may appeal the determination of the compliance officer to the board within 10 working days of the receipt of the compliance officer's determination. The appeal shall be in writing and attached to copies of the original complaint and the written determination of the compliance officer. The board may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.
- I. Within 30 calendar days of the filing of the appeal or of the hearing, whichever is later, the board shall provide both parties with a written decision.
- J. If the complaint has not been satisfactorily resolved in the above stages, the aggrieved individual may appeal in writing directly to the New Jersey Division on Civil Rights.

Grievance Procedure – Students

- A. The parent/guardian of a student who believes the student has a valid basis for a grievance under Section 504, or the American Disabilities Act, shall file a written complaint, stating the specific facts of his or her grievance and the alleged discriminatory act with the compliance officer.
- B. The compliance officer shall make all reasonable efforts to resolve the matter informally by reviewing the grievance with appropriate staff, which may include, but not be limited to, the principal, child study team staff, and/or the classroom teacher(s).
- C. The compliance officer will investigate and document the complaint, including dates of meetings, dispositions, and date of dispositions. The compliance officer will provide a written reply to the aggrieved individual within 10 working days.
- D. If the complainant is not satisfied with the compliance officer's written reply, the complainant must file the grievance in writing, setting out the circumstances that give rise to the alleged grievance. This written grievance must be filed with the compliance officer within 10 working days.
- E. The compliance officer will appoint a hearing officer within 10 working days of the receipt of the written grievance. A hearing will be conducted within 10 working days. The hearing officer will give the parent/guardian and the student a hearing relevant to the issues raised under the grievance. The parent/guardian and the student may, at their own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present a written decision to the compliance officer and aggrieved individual within 10 working days of the hearing.
- F. The complainant may file a written appeal to the board if not satisfied with the hearing officer's decision. The board, through the chief school administrator, will provide a written disposition of the alleged grievance.
- G. The complainant may request mediation and due process according to law if unsatisfied with the written decision of the board.

Mediation and/or due process are available when disputes arise between the board and parents/guardians of students with or without a disability in regard to educational placement (use of this grievance procedure is not a prerequisite to mediation and/or due process).

Other Provisions

NONDISCRIMINATION/AFFIRMATIVE ACTION (regulation continued)

- A. If the same or substantially the same grievance is made by more than one individual, a single individual may process the grievance through the grievance procedure on behalf of all aggrieved individuals. The names of all aggrieved individuals shall appear on all documents related to the settlement of the grievance;
- B. An aggrieved individual may be represented or accompanied at any time by a person chosen by the individual;
- C. An employee may use personal leave time when it becomes necessary to process a grievance during work hours;
- D. A grievance that arises late in the school term will be submitted to an expedited process in order that the grievance may be resolved as soon after the school term as possible;
- E. There will be no reprisal of any kind taken against any aggrieved individual for participation in a grievance;
- F. All documents, communications, and records regarding the processing of a grievance will be filed in a separate file and will not be kept in the personnel or student file.

Affirmative Action and Equal Employment Opportunity Complaints

The purpose of this procedure is to give any district employee or candidate for employment the opportunity to appeal an alleged denial of equal employment opportunity in violation of state and federal laws and board policy 2224 Nondiscrimination/Affirmative Action, ensuring equal access to all categories of employment without regard to the candidate's race, color, national origin, nationality, ancestry, age, creed, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability, nonapplicable disability, genetic information, refusal to submit to a genetic test or make the results of a genetic test known, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or other conditions not related to the duties and responsibilities of the job.

This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner. All participants in the procedure will respect the confidentiality that this district accords to information about individual employees.

Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.

Definitions

"Complaint" means an alleged discriminatory act or practice.

"Complainant" means an employee who alleges a discriminatory act or practice.

"Discriminatory act or practice" means denial of equal employment opportunity in violation of state and federal laws and board policy 2224 Nondiscrimination/Affirmative Action, ensuring equal employment opportunities without regard to the applicant's race, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, pregnancy, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, nationality, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, in employment or in educational opportunities. Further state and federal protection is extended on account of disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or family status.

NONDISCRIMINATION/AFFIRMATIVE ACTION (regulation continued)Affirmative Action and Equal Employment Opportunity Complaints Procedure

- A. A complainant who believes that he or she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall discuss the matter with his or her immediate supervisor in an attempt to resolve the matter informally.
- B. If the matter is not resolved to the satisfaction of the complainant within 10 working days, the complainant may submit a written complaint to the affirmative action officer. The complaint will include:
1. The complainant's name and address;
 2. The specific act or practice that the complainant complains of;
 3. The school employee, if any, responsible for the allegedly discriminatory act;
 4. The results of discussions conducted with the immediate supervisor; and
 5. The reasons why those results are not satisfactory.
- C. The affirmative action officer will investigate the matter informally and will respond to the complaint in writing no later than 10 working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the chief school administrator.
- D. The response of the affirmative action officer may be appealed to the chief school administrator in writing within 10 working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
- E. On his or her timely request (that is, submitted before the expiration of the time within which the chief school administrator must render a decision), the complainant will be given an informal hearing before the chief school administrator, at a time and place convenient to the parties, but no later than 10 working days after the request for a hearing has been submitted. The chief school administrator may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.
- F. The chief school administrator will render a written decision in the matter no later than 10 working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the board.
- G. The complainant may appeal the chief school administrator's decision to the board by filing a written appeal with the board secretary no later than 10 working days after receipt of the chief school administrator's decision. The appeal shall include:
1. The original complaint;
 2. The response to the complaint;
 3. The chief school administrator's decision;
 4. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
 5. The complainant's reason for believing the chief school administrator's decision should be changed.
- H. A copy of the appeal to the board must be given to the staff member, if any, charged with a discriminatory act.
- I. The board will review all papers submitted and may render a decision on the basis of the proceedings above or, if the complainant so requests, the board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
- J. The board will render a written decision no later than 30 calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
- K. The complainant will be informed of his or her right to appeal the board's decision to the:

NONDISCRIMINATION/AFFIRMATIVE ACTION (regulation continued)

1. New Jersey Commissioner of Education
Bureau of Controversies and Disputes
New Jersey Department of Education
PO Box 500
Trenton, New Jersey 08625
Phone: (609) 292-5705
2. Equal Employment Opportunity Commission Newark District Office
1 Newark Center, 21st Floor
Newark, New Jersey 07102
Phone: 800-669-4000 or 973-645-6383
3. U.S. Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Phone 646-428-3900 or TDD: 877-521-2172
Email: OCR.NewYork@ed.gov
4. New Jersey Division on Civil Rights
140 East Front Street, 6th Floor
P.O. Box 090
Trenton, NJ 08625-0090
Phone: 609-292-4605 or TDD 609-292-1785

Record

The records of any complaint processed in accordance with this procedure shall be maintained in a file kept by the affirmative action officer.

A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

Adopted: October 22, 2008
NJSBA Review/Update: September 2015
Readopted:

Policy

RESEARCH, EVALUATION, AND PLANNING

As required by law, the chief school administrator shall annually direct development or review of district long- and short-range goals and the plan of action to attain them. Objectives shall be developed with community participation and approved by the Montague Township Board of Education; the plan of action shall be prepared in consultation with teaching staff members. The district's plans shall be discussed at a public meeting before the date required by law.

Further, the chief school administrator shall coordinate continual research and evaluation of programs and facilities. Long-range plans shall be studied and revised periodically to keep it in accord with the changing circumstances and aspirations of the district.

State Monitoring

The chief school administrator shall ensure and coordinate the District Performance Review every three years, in compliance with New Jersey Quality Single Accountability Continuum (NJQSAC). Upon completion of the District Performance Review, the board shall fix a date, place, and time to hold a public meeting for approval by board resolution. The board shall comply with meeting procedures specified in N.J.A.C. 6A:30-3.2.

School-Level Planning

By September 30, the principal of the district school shall coordinate development and implementation of a two-year school-level plan based on school report card data. This plan shall include student performance objectives, a review of progress by teaching and administrative staff, and the involvement of parents.

The performance objectives shall be based on student performance or behavior standards as defined in the administrative code.

At least once per semester, the principal of the school shall conduct meetings by grade level, department, team, or similarly appropriate group to review the school-level plan. The review shall include:

- A. School report card data;
- B. Progress toward achieving student performance objectives;
- C. Progress toward achieving the New Jersey Core Curriculum Content Standards.

Each principal shall sign a statement of assurance attesting to these activities on the form prescribed by the New Jersey Commissioner of Education.

The chief school administrator will supervise the preparation and timely submission of accurate reports in order to ensure compliance with all federal, state, county, and local laws and regulations, board policies, and contract terms and conditions. The chief school administrator will promptly prepare and file updates and revisions to reports whenever new information becomes available that would require that an amended report to be submitted. The chief school administrator may delegate the preparation and revision of reports to other employees of the board. However, the chief school administrator retains final responsibility for the action taken when tasks are delegated. If the revisions and corrections are so significant as to compromise the basic integrity of the report, the chief school administrator will inform the board president in order that appropriate corrective action may be taken by the board.

RESEARCH, EVALUATION, AND PLANNING (continued)

Adopted: October 22, 2008
 NJSBA Review/Update: September 2015
 Readopted:

Key Words

Research, Evaluation, Planning, Long-range Plan, Multi-year Maintenance, School Level Plan

<u>Legal References:</u>	<u>N.J.S.A.</u> 10:4-6 <u>et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A.</u> 18A:7A-10	Evaluation of performance of each school
	<u>N.J.S.A.</u> 18A:7A-11	Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills
	<u>N.J.S.A.</u> 18A:7A-14	Review of evaluation of district performance
	<u>N.J.S.A.</u> 18A:7F-6	Approval of budget by Commissioner
	<u>N.J.S.A.</u> 18A:7F-46	Review, update of core curriculum content standards; Educational Adequacy Report
	<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessments
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:26-2.1 <u>et seq.</u>	Long-Range Facilities Plans
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-2.1	Definitions
	<u>N.J.A.C.</u> 6A:32-12.1 <u>et seq.</u>	Student Behavior

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

Possible

<u>Cross References:</u>	*1120	Board of Education Meetings
	*1220	<u>Ad Hoc</u> Advisory Committees
	*2255	Action Planning for NJQSAC
	*3510	Operation and Maintenance of Plant
	*5020	Role of Parents/Guardians
	*6142.2	English as a Second Language; Bilingual/Bicultural
	*6171.4	Special Education
	*7110	Long-Range Facilities Planning
	*9130	Committees

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

Policy

ACTION PLANNING FOR STATE MONITORING:
NEW JERSEY QUALITY SINGLE ACCOUNTABILITY CONTINUUM

The Montague Township Board of Education recognizes that it has important functions under the state monitoring system, the New Jersey Quality Single Accountability Continuum (NJQSAC). The board shall comply with the requirements of the New Jersey Department of Education's three year monitoring system by completing the District Performance Review (DPR). The district shall be assessed in the following five key areas:

- A. Operations;
- B. Instruction and program;
- C. Governance;
- D. Fiscal management;
- E. Personnel.

The chief school administrator shall take the following steps to oversee the efficient completion of the District Performance Review every three years as required by law:

- A. District Performance Review form shall be completed by the district committee. The chief school administrator shall determine the total number of people to serve on the committee. The chief school administrator shall appoint the following persons to the committee, and in his or her discretion, may include other persons on the committee with the approval of the board:
 - 1. Chief school administrator;
 - 2. One or more members of the administrative staff;
 - 3. One or more teaching personnel, representative of different grade levels and/or;
 - 4. The business administrator and assistant superintendent for curriculum and instruction, as well as other appropriate personnel;
 - 5. One or more member representatives of the local collective bargaining unit of the educational staff, selected by the local collective bargaining unit, which may include the teaching personnel otherwise appointed above; and
 - 6. One or more members of the board, selected by the board.
- B. The chief school administrator shall:
 - 1. Ensure that the process used by the committee in completing the District Performance Review provides for participation and input by all committee members;
 - 2. Consult with the committee in formulating a response to all weighted quality performance indicators of each component of school district effectiveness;
 - 3. Ensure that the responses in District Performance Review encompass and reflect the circumstances

ACTION PLANNING FOR NJQSAC (continued)

that exist in the school district; and

4. Ensure that all responses to the District Performance Review can be verified by data and supporting documentation or otherwise, and provide this verification to the Department upon request (N.J.A.C. 6A:30-3.2 District Performance Review).

Additionally, the chief school administrator shall ensure the district's compliance with all indicators when it is within his or her power to do so. He or she shall inform the board in a timely fashion of any areas in which board action is required to bring the district into compliance, and suggest to the board feasible plans of action.

Upon completion of the proposed responses to the District Performance Review, the board shall fix a date, place, and time to hold a public meeting, which may be a regularly scheduled meeting of the board. The proposed responses to the District Performance Review and Statement of Assurance shall be presented to the board for approval by resolution.

The board shall ensure that:

- A. The proposed responses to the District Performance Review and Statement of Assurance shall be posted on its internet site, if one exists, at least five working days prior to the date fixed for the meeting, and shall make it available for examination by the public at the district board offices or another reasonable location;
- B. Notice of the meeting shall be published as required by the Open Public Meetings Act, and this notice shall inform the public that the District Performance Review and Statement of Assurance will be discussed at the meeting and the times and manner in which members of the public may view the proposed responses to the District Performance Review; and
- C. At the public meeting the public shall have the opportunity to comment and be heard with respect to the proposed responses to the District Performance Review. The public shall have the opportunity to submit written comments prior to the meeting as well (N.J.A.C. 6A:30-3.2 District Performance Review).

If the school district fails to satisfy the evaluation criteria, the board shall cooperate in undertaking corrective action plans indicated by the executive county superintendent and pursuant to the New Jersey administrative code.

Certification requirements for teaching staff members shall not be violated.

Statement of Assurance

The district shall complete the Statement of Assurance annually and submit it to the Department electronically before the prescribed due date. The chief school administrator and the board shall determine that all items of the Statement of Assurance have been completed before its submission.

Equivalency and Waiver Procedures

The board may apply to the New Jersey Commissioner of Education for a waiver of a specific rule, or an equivalent means of implementing a rule through alternate procedures, so long as the following criteria are met:

- A. The spirit and intent of New Jersey statutes, applicable federal laws and regulations, and the administrative code are served by granting the equivalency or waiver;
- B. The provision of a thorough and efficient education to the students in the district is not compromised as a result of the equivalency or waiver; and
- C. There will be no risk to student health, safety, or civil rights by granting the equivalency or waiver.

ACTION PLANNING FOR NJQSAC (continued)

All applications for equivalency and waivers shall be in accordance with N.J.A.C. 6A:5-1.5, shall be signed by the chief school administrator, and shall be approved by the board.

Adopted: October 22, 2008
 NJSBA Review/Update: September 2015
 Readopted:

Key Words

Action Planning, NJQSAC, Quality Single Accountability Continuum, Planning, Certification, Equivalency, Waivers

<u>Legal References:</u>	<p><u>N.J.S.A. 18A:7A-10</u> Evaluation of performance of each school <u>N.J.S.A. 18A:7A-14</u> Review of evaluation of district performance <u>N.J.S.A. 18A:7F-43 et al.</u> <u>School Funding Reform Act of 2008</u> <u>N.J.S.A. 18A:26-2</u> Certificates required; exception <u>N.J.A.C. 6A:5-1.1 et seq.</u> Regulatory Equivalency and Waiver <u>N.J.A.C. 6A:8-1.1 et seq.</u> Standards and Assessments <u>N.J.A.C. 6A:23A-9.5</u> Commissioner to ensure achievement of the Core Curricular Content Standards <u>N.J.A.C. 6A:30-1.1 et seq.</u> Evaluation of the Performance of School Districts See Particularly: <u>N.J.A.C. 6A:30-2.1, -3.2</u> NJQSAC components of school district effectiveness and indicators <u>N.J.A.C. 6A:32-2.1</u> Definitions</p>
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Possible

<u>Cross References:</u>	<p>*1120 Board of Education Meetings *1220 <u>Ad Hoc</u> Advisory Committees *2240 Research, Evaluation, and Planning</p>
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*Indicates policy is included in the Critical Policy Reference Manual.