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### **1100 – District Organization**

The Board of Education directs the establishment and implementation of an organizational plan for the management and control of school district operations. The plan will require the identification and resolution of problems at appropriate organizational levels. All references to school district administrators in policies or regulations shall be construed to mean that administrator or his/her designee.

All members and employees of this Board are directed to observe faithfully the chain of communications established by the district organizational plan. In general, a problem should be identified and its resolution attempted at the level most immediate to the problem's origin. When a resolution cannot be found at that level, remedy may be sought through appropriate resolution and remediation procedures.

The Board expressly disapproves of any attempt to expedite the resolution of a problem by disregard of the organizational plan and the appropriate processes. A staff member's persistent disregard for the established management organization of this district in violation of this policy will be considered an act of insubordination subject to discipline.

#### **Legal References**

N.J.S.A. 18:11-1; 18A:27-4

Adopted: August 18, 2009

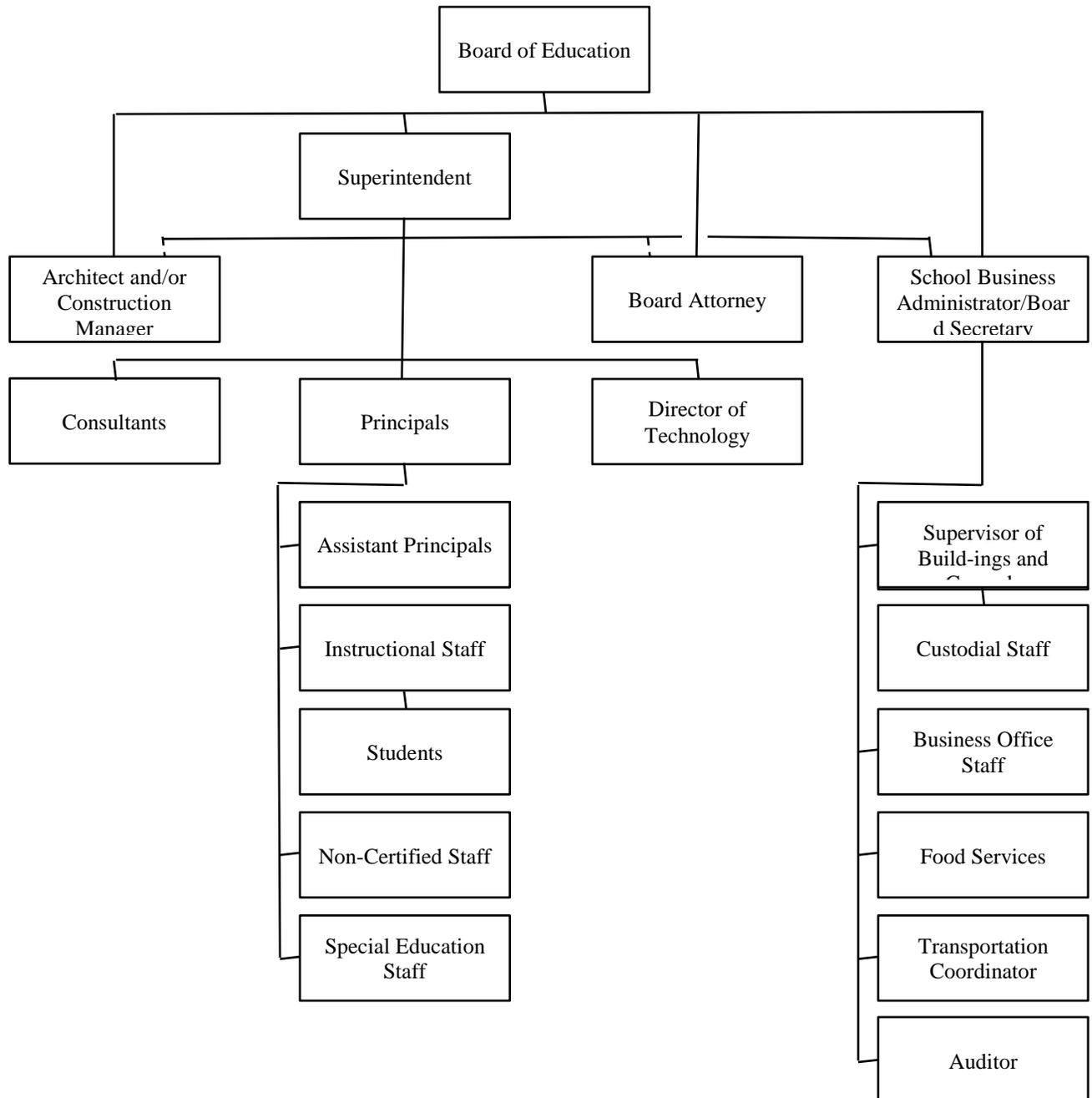


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### 1110 – Organizational Chart



Adopted: August 18, 2009



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### **1120 – Management Team**

The Board of Education recognizes the value of a system of management organization that enhances communication among administrators and between the administration and the Board, encourages a shared responsibility for educational policy decisions, and provides for the equitable resolution of conflicts.

The Board directs the Superintendent to establish a management team that includes the Superintendent and those administrative, supervisory, and support staff members who are responsible for employee evaluation, the adjudication of grievances, supervision of employees, or recommendations regarding the employment of employees.

The Superintendent shall institute a management team system that will provide a means for:

Submitting recommendations to the Board on issues of educational policy;

Addressing the economic concerns and working conditions of management team members, including their job descriptions, evaluation, salaries, fringe benefits, promotions, assignments, and transfers;

The development of administrative procedures; and

The consideration of such additional and appropriate issues as may be identified by the Superintendent or the management team.

#### **Line of Responsibility**

The Board of Education shall operate under a dual control system headed by the Superintendent and School Business Administrator/Board Secretary.

The authority of the Board of Education is transmitted through the Superintendent and School Business Administrator/Board Secretary along specific paths from person to person as shown in the organization chart of the school district. The lines of authority represent direction of authority and responsibility. The lines are those approved by the Board of Education 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.

#### **Legal References**

N.J.S.A. 18A:11-1; 18A:27-4

Adopted: August 18, 2009



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### **1130 – Staff Liaison Committees**

The Board of Education encourages the Superintendent to maintain close liaison with staff members in order to coordinate district programs and operations, to consult with appropriate staff members in developing administrative regulations and formulating recommendations for Board consideration, and to detect and resolve problems as they may arise.

The Superintendent is authorized to establish such staff liaison committees as he/she may deem necessary.

No staff liaison committee can be delegated the authority to make decisions or take action that is reserved to the Board or the Superintendent. Committee reports and recommendations may be advisory only.

Adopted: August 18, 2009



### **1140 – Affirmative Action Program (M)**

The Board of Education will adopt and implement written educational equality and equity policies in accordance with the provisions of N.J.A.C. 6A:7 – Managing For Equality and Equity in Education.

The Board’s affirmative action program will recognize and value the diversity of persons and groups within society and promote the acceptance of persons of diverse backgrounds regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. The affirmative action program will also promote equal educational opportunity and foster a learning environment that is free from all forms of prejudice, discrimination, and harassment based upon race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status in the policies, programs, and practices of the Board of Education.

The Board will inform the school community it serves of these policies in a manner including, but not limited to, the district’s customary methods of information dissemination. The Board will develop a Comprehensive Equity Plan once every three years, which will identify and correct all discriminatory and inequitable educational and hiring policies, patterns, programs, and practices affecting its facilities, programs, students, and staff.

The Board will assess the district’s needs for achieving equality and equity in educational programs based on an analysis of student performance data such as: National Assessment of Educational Progress and State assessment results, Pre-Kindergarten through grade eight promotion/retention data, Pre-Kindergarten through grade eight completion rates; re-examination and re-evaluation of classification and placement of students in special education programs if there is an over representation within certain groups; staffing practices; student demographic and behavioral data; quality of program data; and stakeholder satisfaction data prior to developing the Comprehensive Equity Plan. The purpose of the needs assessment is to identify and eliminate discriminatory practices and other barriers in achieving equality and equity in educational programs.

The Board will annually designate a member of its staff as the Affirmative Action Officer and form an Affirmative Action Team, of whom the Affirmative Action Officer is a member, to coordinate and implement the requirements of N.J.A.C. 6A:7 – Managing For Equality And Equity in Education. The Board will assure that all stakeholders know who the Affirmative Action Officer is and how to access him or her.

The Affirmative Action Officer must have a New Jersey standard certification with an administrative, instructional, or educational services endorsement, pursuant to N.J.A.C. 6A:9B et seq. The Affirmative Action Officer will: coordinate the required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.6; notify all students and employees of district grievance procedures for handling discrimination complaints; and ensure the district grievance procedures, which include investigative responsibilities and reporting information, are followed.

The Affirmative Action Team will: develop the Comprehensive Equity Plan pursuant to N.J.A.C. 6A:7-1.4(c); oversee the implementation of the district’s Comprehensive Equity Plan pursuant to N.J.A.C.



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6A:7-1.4(c); collaborate with the Affirmative Action Officer on coordination of the required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.6; monitor the implementation of the Comprehensive Equity Plan; and conduct the annual district internal monitoring to ensure continuing compliance with State and Federal statutes governing educational equality and equity, pursuant to N.J.A.C. 6A:7-1.4(d).

The Board will provide professional development training to all certificated and non-certificated school staff members on a continuing basis to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. All new certificated and non-certificated staff members will be provided with professional development training on educational equality and equity issues within the first year of employment. Parents and other community members will be invited to participate in the professional development training.

The Commissioner or his/her designee will provide technical assistance to local school districts for the development of policy guidelines, procedures, and in-service training for Affirmative Action Officers so as to aid in the elimination of prejudice on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.

### Legal References

N.J.A.C. 6A:7-1.4; 6A:7-1.5; 6A:7-1.6

Adopted: March 8, 2011  
Revised: August 9, 2016



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### **1210 – Board-Superintendent Relations**

The Board of Education believes that it is the primary duty of the Board to establish policies and the primary duty of the Superintendent to implement and administer those policies.

The Superintendent, as Chief Administrative Officer of the school district, is the primary professional advisor to the Board. Policy should not be adopted or revised without consultation with the Superintendent.

The Superintendent is responsible for the development, supervision, and operation of the school program and facilities and will be given latitude to implement and administer policies in accordance with such standards as may have been set forth in the policies. The Superintendent will discharge his/her responsibility in part through the establishment and promulgation of administrative regulations.

In evaluating the effectiveness of Board policy in meeting the goals of the district, the Board will request the Superintendent to make appropriate inquiries, investigations, and reports.

Adopted: August 18, 2009



### **1220 – Employment of Superintendent (M)**

The Board of Education vests the primary responsibility for the administration of this school district in a Superintendent and recognizes the appointment of a person to that office is one of the most important functions this Board can perform. The Superintendent will have a seat on the Board of Education 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 will have no vote.

#### **Recruitment Procedures**

The Board will actively seek the best qualified and most capable candidate for the position of Superintendent. 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:

1. The preparation of a new or a review of an existing written job description;
2. Preparation of informative material describing the school district and its educational goals and objectives;
3. Where feasible, the opportunity for applicants to visit the district;
4. Establish an interview process that encourages the candidate and the Board members to have a meaningful discussion of the school district's needs and expectations. The Board members will review and discuss the candidate's credentials, qualifications, educational philosophy, and other qualities and expertise he/she can offer to the district;
5. Solicitation of applications from a wide geographical area; and
6. Strict compliance with law and [Board Policy #1530 - Equal Employment Opportunities](#) on equal employment opportunity.

#### **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-12.4 et seq. and must qualify for employment following a criminal history record check.

#### **Employment Contract**

A person appointed Superintendent must enter an employment contract with the Board. An employment contract for the Superintendent will be reviewed and approved by the Executive County Superintendent in accordance with the provisions of N.J.A.C. 6A:23A-3.1 and [Board Policy #1620 – Administrative Employment Contracts](#). Any actions by the Executive County Superintendent undertaken pursuant to N.J.A.C. 6A:23A-3.1 may be appealed to the Commissioner pursuant to the procedures set forth in N.J.A.C. 6A:3.

The employment contract with the Superintendent must be approved with a recorded roll call majority vote of the full membership of the Board at a public Board meeting.



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In the event there is a Superintendent vacancy the Board seated at the time will appoint an interim Superintendent or approve an employment contract for the next Superintendent.

The then current Board will approve any new contract for the next Superintendent, when there has been an interim Superintendent.

The contract for the Superintendent who does not acquire tenure, but who holds tenure during the term of his/her employment contract will include: a term of not less than three nor more than five years and expiring July 1; a beginning and ending date; the salary to be paid and benefits to be received; a provision for termination of the contract by the Superintendent; an evaluation process pursuant to N.J.S.A. 18A:17-20.3; and other terms agreed to between the Board and the Superintendent.

During the term of the contract, the Superintendent will not be dismissed or reduced in compensation except for inefficiency, incapacity, conduct unbecoming a Superintendent, or other just cause and only by the Commissioner of Education pursuant to the tenure hearing laws.

At the conclusion of the term of the initial contract or of any subsequent contract, in accordance with N.J.S.A. 18A:17-20.1, the Superintendent will be deemed reappointed for another contracted term of the same duration as the previous contract unless either: the Board by contract reappoints the Superintendent for a different term which will not be less than three nor more than five years, in which event reappointments thereafter will be deemed for the new term unless a different term is again specified; or the Board notifies the Superintendent in writing the Superintendent will not be reappointed at the end of the current term, in which event his/her employment will cease at the expiration of that term. In the event the Board notifies the Superintendent he/she will not be reappointed, the notification will be given prior to the expiration of the first or any subsequent contract by a length of time equal to thirty days for each year in the term of the current contract.

Pursuant to N.J.S.A. 18A:20.2a, the Board will submit to the Commissioner for prior approval an early termination of employment agreement that includes the payment of compensation as a condition of separation. In accordance with N.J.S.A. 18A:17-20.2a, compensation includes, but is not limited to, salary, allowances, bonuses and stipends, payments of accumulated sick or vacation leave, contributions toward the costs of health, dental, life, and other types of insurance, medical reimbursement plans, retirement plans, and any in-kind or other form of remuneration.

An early termination of an employment agreement will be limited in its terms and conditions as outlined in N.J.A.C. 6A:23A-3.2. The Commissioner will evaluate such agreements in accordance with the provisions of N.J.S.A. 18A:17-20.2a and N.J.A.C. 6A:23A-3.2 and has the authority to disapprove the agreement. The agreement will be submitted to the Commissioner by the district by certified mail, return receipt requested. The determination will be made within thirty days of the Commissioner's receipt of the agreement from the school district.

### **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.



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### **Certificate Revocation**

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

### **Legal References**

N.J.S.A. 18A:16-1; 18A:17-15; 18A:17-20; 18A:17-20.1;  
N.J.S.A. 18A:17-20.2; 18A:17-20.2a; 18A:17-20.3  
N.J.A.C. 6A:9B-12.3; 6A:9B-12.4; 6A:23A-3.1, 6A:23A-3.2

Adopted: August 18, 2009  
Revised: August 9, 2016



### **1230 – Superintendent’s Duties (M)**

#### **Function**

The Superintendent shall serve as Chief Executive and Administrative Officer of the district by implementing policies established by the Board of Education and by discharging the duties imposed on his/her office by law.

#### **Authority**

The Superintendent shall be the Chief School Administrator of the school district and principle advisor to the Board. He/she may delegate to an appropriate school official any duty not reserved to the Superintendent by law, but may not delegate the responsibility for duties mandated by law.

#### **Work Relationships**

The Superintendent shall report directly to the Board and shall directly or indirectly supervise all persons employed by the Board.

#### **Duties and Responsibilities**

- A. In the discharge of his/her responsibility as principal advisor to the Board, the Superintendent shall:
  - 1. Ensure that all aspects of district operation comply with Board policy, state law and district contracts;
  - 2. Report to the Board on the needs of the district;
  - 3. Advise the Board of any changes or additions that should be made to its policies;
  - 4. Provide the Board with such information as may be needed to ensure the making of informed decisions; and
  - 5. Perform such other duties as may be assigned by the Board.
- B. In the discharge of his/her responsibility for the implementation of the operational action plan of the district, the Superintendent shall:
  - 1. Prepare, promulgate, and maintain a manual of administrative regulations;
  - 2. Evaluate the future needs of the district and recommend a district action plan including goals, objectives, and priorities to the Board;
  - 3. Maintain written objectives to implement the district action plan adopted by the Board;
  - 4. Evaluate progress toward the attainment of the district action plan and report thereon to the Board; and
  - 5. Report to the Commissioner and the Executive County Superintendent on or before August 1 of each year matters relating to the schools in the manner and form prescribed by the Commissioner.



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- C. In the discharge of his/her responsibility as the administrator of the instructional program, the Superintendent shall:
1. Establish and maintain a written instructional plan for the schools of the district consistent with the educational goals adopted by the Board;
  2. Coordinate the proper implementation of the instructional plan as it applies to each school in the district;
  3. Evaluate at least annually the effectiveness of the program of studies and recommend such changes and additions as may be required to improve its effectiveness;
  4. Evaluate the performance of pupils in relation to other public school districts, as well as in relation to state and national standards;
  5. Report periodically to the Board, as directed by the Board, on the condition of the educational program and facilities in the district; and
  6. Keep informed regarding current research in the field of education and inform the Board as appropriate.
- D. In the discharge of his/her responsibility for the direction and welfare of pupils, the Superintendent shall:
1. Strive to motivate pupils to achieve their individual best;
  2. Create a climate of respect for authority and discipline in each of the schools of the district;
  3. Report to the Board at its next meeting the suspension of a pupil; and
  4. Recommend any changes in the program of pupil management and support as necessary to respond to district needs.
- E. In the discharge of his/her responsibility for the supervision of district employees, the Superintendent shall:
1. Recommend to the Board all properly certified candidates for employment, assignment, or transfer;
  2. Assign staff so as to achieve maximum effectiveness in the attainment of educational goals;
  3. Train staff as necessary to implement approved changes in the curriculum or instructional methods of the district;
  4. Evaluate the effectiveness of staff members in the performance of their assigned tasks;
  5. Recommend changes in staffing patterns based on the evaluation of staff and program effectiveness; and
  6. Discipline staff as required and report to the Board forthwith any suspension of a teaching staff member.



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- F. In the discharge of his/her responsibility for the maintenance of the physical plant, the Superintendent shall:
1. Strive to make efficient use of district resources in the daily operations of the schools;
  2. Assign support staff so as to achieve maximum effectiveness from the facilities of the district;
  3. Train support staff as necessary to maintain the facilities and to avoid safety and environmental hazards; and
  4. Evaluate the effectiveness of the district facilities in housing the instructional program and recommend to the Board such changes and improvements as may be required.
- G. In the discharge of his/her responsibility for the management of the district business affairs, the Superintendent shall:
1. Supervise the preparation of the annual budget and recommend its adoption to the Board;
  2. Implement the budget adopted by the Board;
  3. Establish sufficient fiscal controls to ensure that district funds are expended wisely and efficiently; and
  4. Report to the Board at its next meeting any expenditure in excess of a budgeted line item.
- H. In the discharge of his/her responsibility as liaison officer to the public, the Superintendent shall:
1. Strive to interpret the needs of the school to the public and the concerns of the public to the Board;
  2. As appropriate, involve members of the public in the review of district needs, community needs, and the operation of the school programs;
  3. Keep the public informed about the accomplishments and problems of the school district;
  4. Cooperate with the news media; and
  5. Work effectively with municipal government officials and public agencies concerned with the welfare of pupils.

### Evaluation Criteria

The Superintendent will be evaluated in accordance with [Board Policy #1240 - Evaluation of Superintendent](#) and this job description.

### Legal References

N.J.S.A. 18A:7A-11; 18A:17-17; 18A:17-18; 18A:17-20; 18A:17-21; 18A:22-8.1; 18A:27-4.1;  
18A:37-4  
N.J.A.C. 6A:8-3.1; 6A:32-4.1; 6A:32-12.2

Adopted: August 18, 2009  
Revised: May 10, 2011



### **1240 – Evaluation of Superintendent (M)**

The purpose of the annual evaluation of the Superintendent is to promote professional excellence and improve the skills of the Superintendent, improve the quality of the education received by the students in the schools, and provide a basis for the review of the Superintendent's performance.

This Board Policy and its associated Regulation #R1240, and any revisions thereto, will be developed by the Board of Education after consultation with the Superintendent and will be provided to the Superintendent within ten (10) working days after adoption. It will include, but not be limited to:

1. Determination of roles and responsibilities, and procedures for the implementation of the annual process;
2. Development of evaluation criteria based on the Superintendent's Job Description, the school district's and Superintendent's goals, educational and other program objectives, Board policies and regulations, instructional priorities, State programs and goals, statutory requirements, and the functions, duties, and responsibilities of the Superintendent;
3. Specification of data collection and reporting methods appropriate to the job description;
4. Provisions for the preparation of an individual professional growth and development plan mutually developed by the Board of Education and the Superintendent based in part on any need(s) identified in the evaluation; and
5. Preparation of an annual performance report by a majority of the full membership of the Board of Education and preparation for an annual summary conference between a majority of the total membership of the Board of Education and the Superintendent.

The Board President (or designee) will oversee the annual evaluation of the Superintendent. The Board may use the services of the New Jersey School Boards Association or hire a qualified consultant to assist or advise in the evaluation process, including the collection of data; however, the evaluation itself will be the responsibility of the Board.

There will be an annual summary conference between the Board of Education, with a majority of its total membership who are not conflicted present, and the Superintendent which will be held before the annual performance report is filed. The conference will be held in executive session, unless the Superintendent requests that it be held in public. The conference will include, but not be limited to, a review of the following:

1. Performance of the Superintendent based on the Board approved job description and the functions, duties and responsibilities of the Superintendent;
2. Progress of the Superintendent in achieving and/or implementing the school district's and Superintendent's goals, educational and other program objectives, Board policies and regulations, instructional priorities, State programs and goals, and statutory requirements; and
3. Indicators of student progress and growth toward program objectives.

The annual performance report will be prepared by July 1<sup>st</sup> by a majority of the Board of Education's total membership who are not conflicted and will include, but not be limited to:



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1. A statement of performance area(s) of strength;
2. A statement of performance area(s) needing improvement based on the evaluation criteria including the Superintendent's Job Description, the school district's and Superintendent's goals, educational and other program objectives, Board policies and regulations, instructional priorities, State programs and goals, and statutory requirements as set forth in N.J.A.C. 6A:10-8.1(c)2;
3. Recommendations for professional growth and development;
4. A summary of indicators of student progress and growth, and a statement of how the indicators relate to the effectiveness of the overall program and the Superintendent's performance; and
5. Provision for performance data not included in the report to be entered into the record by the Superintendent within ten (10) working days after the report's completion.

Each newly appointed or elected Board of Education member will complete a New Jersey School Boards Association training program on the evaluation of the Superintendent within six months of the commencement of his/her term of office pursuant to N.J.S.A. 18A:17-20.3.b.

No collective bargaining agreement entered into with the Superintendent will conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor will topics subject to collective bargaining involve matters of educational policy or managerial prerogatives.

The Board of Education will add to the Superintendent's personnel file all annual performance reports and supporting data, including, but not limited to, indicators of student progress and growth. All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. will be confidential. Such information will not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. will be construed to prohibit the New Jersey Department of Education from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

The provisions of this Policy, Regulation #R1240, and N.J.A.C. 6A:10-8.1 et seq. are the minimum requirements for the evaluation of a Superintendent.

### Legal References

N.J.S.A. 18A:17-20.3; 18A:6-117 through 18A:6-129

N.J.A.C. 6A:10-1.1 et seq.; 6A:10-8.1 et seq.

Adopted: August 18, 2009

Revised: August 8, 2017



# Regulation

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### **R1240 – Evaluation of Superintendent (M)**

#### **A. Roles and Responsibilities for the Implementation of the Annual Evaluation Policy and Procedures**

1. The Board of Education and the Superintendent will develop and the Board will adopt evaluation criteria for the Superintendent's position based on the Superintendent's Job Description, the school district's and Superintendent's goals, educational and other program objectives, Board policies and regulations, instructional priorities, State programs and goals, statutory requirements, and the functions, duties, and responsibilities of the Superintendent.
2. The Superintendent will have the primary responsibility for data collection and reporting methods appropriate to the job description.
3. The Board President (or designee) will oversee the annual evaluation of the Superintendent.
4. The Board President will establish timelines for completion of the annual evaluation of the Superintendent.

#### **B. Annual Summary Conference**

1. The Board of Education will conduct an annual summary conference with the Superintendent to develop and prepare an annual performance report.
2. The annual summary conference between the Board of Education, with a majority of its total membership present, and the Superintendent will be held before the annual performance report is prepared and filed.
3. The Superintendent will submit to all Board members any information, documents, statistics, or any other data or information he/she would like the Board members to consider at the annual summary conference.
4. The Board President (or designee) will preside over the Board's annual summary conference meeting.
5. The conference will be held in executive session, unless the Superintendent requests it be held in public. The conference will include, but not be limited to, review of the following:
  - a. Performance of the Superintendent based on the Board approved job description and the functions, duties, and responsibilities of the Superintendent;
  - b. Progress of the Superintendent in achieving and/or implementing the school district's and Superintendent's goals, educational or other program objectives, Board policies and regulations, instructional priorities, State programs and goals, and statutory requirements; and
  - c. Indicators of student progress and growth toward program objectives.



# Regulation

## Lopatcong Township Board of Education

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### C. Annual Performance Report

1. The annual performance report will be prepared and approved by a majority of the Board of Education's total membership by July 1<sup>st</sup> and will include, but not be limited to:
  - a. A statement of performance area(s) of strength;
  - b. A statement of performance area(s) needing improvement based on the evaluation criteria including the Superintendent's Job Description, the school district's and Superintendent's goals, educational and other program objectives, Board policies and regulations, instructional priorities, State programs and goals, and statutory requirements as set forth in N.J.A.C. 6A:10-8.1(c)2;
  - c. Recommendations for professional growth and development;
  - d. Summary of indicators of student progress and growth, and a statement of how the indicators relate to the effectiveness of the overall program and the Superintendent's performance; and
  - e. Provision for performance data not included in the report to be entered into the record by the Superintendent within ten (10) working days after the report's completion.

2. The Board President (or designee) will prepare a draft of the annual performance report after the annual summary conference.
3. The draft of the annual performance report will be disseminated to all non-conflicted Board members for review and comment before presenting the draft report to the Superintendent.

In the event a Board member believes a provision(s) of the draft annual performance report is not in accord with the provisions agreed to by a majority of the Board during the annual summary conference, the Board member will submit in writing their proposed revision(s) to the drafter of the annual performance report. The draft annual performance report may be revised by the drafter of the report if the drafter agrees with the Board member's proposed revision. In the event the drafter does not agree with the proposed revision(s), the issue will be presented to the full membership of the Board of Education in executive session to make a final determination.

4. The draft Annual performance report will be presented to the full non-conflicted membership of the Board of Education in executive session for discussion and approval after the draft report has been disseminated to all non-conflicted Board members for review. The Superintendent will receive a copy of the draft annual performance report from the Board President (or designee) prior to the executive session where the Board is scheduled to discuss and approve.
5. In the event the Superintendent does not agree with a provision(s) in the draft annual performance report, the Superintendent will be provided an opportunity to discuss with the full non-conflicted membership of the Board reconsideration of the disputed provision(s).
6. A majority of the Board's full membership who are not conflicted will approve the draft annual performance report before presenting the final annual performance report to the Superintendent.
7. The Superintendent may submit a written response to the final annual performance report, which will be attached to the report.



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Adopted: August 18, 2009  
Revised: August 8, 2017



# Policy

## Lopatcong Township Board of Education

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1260 – Incapacity of Superintendent  
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### **1260 – Incapacity of Superintendent**

The Board of Education will appoint, by the affirmative votes of a majority of the members of the full Board, and fix the compensation of an Acting Superintendent to serve when the Superintendent is so incapacitated as to render him/her unable to perform the duties of the office of Superintendent.

The Superintendent will be deemed to be incapacitated when:

1. The Superintendent is absent on disability leave of a projected duration of ninety consecutive calendar days or more; or
2. The Superintendent is certified incapacitated by a physician in accordance with [Board Policy #3161 – Examination for Cause](#); or
3. The Superintendent has been suspended with pay; or
4. The Superintendent has been suspended without pay pending the resolution of tenure charges.

The Acting Superintendent shall discharge the duties of the office until the Superintendent returns, resigns, or is removed from the position. The acts of the Acting Superintendent shall be legal and binding as if done by the Superintendent. The Acting Superintendent shall not acquire tenure in the position of Superintendent.

#### **Legal References**

N.J.S.A. 18A:16-1.1; 18A:17-15

Adopted: August 18, 2009



# Policy

## Lopatcong Township Board of Education

Administration  
1310 – Employment of School Business  
Administrator/Board Secretary  
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### **1310 – Employment of School Business Administrator/ Board Secretary**

The Board of Education will appoint a qualified and capable person to fill a vacancy in the position of School Business Administrator/Board Secretary. An appointment will be made within a reasonable time after the occurrence of the vacancy and by the recorded roll call vote of a majority of the full Board. No person will act as School Business Administrator/Board Secretary or perform the duties of a School Business Administrator/Board Secretary, as prescribed by the rules and regulations of the State Board of Education, unless he/she holds such a certificate.

All candidates for the position of School Business Administrator/Board Secretary must produce evidence of their training and/or experience in the fields of: economics; law; accounting; organizational theory; management or administration; finance and other responsibilities as outlined in the job description for the position or required by the Board.

A candidate for the position of School Business Administrator/Board Secretary will be recommended to the Board by the Superintendent. The Board of Education will appoint a suitable person who holds the appropriate certificate as prescribed by the State Board of Education. The appointment of the School Business Administrator/Board Secretary will be made by the Board, which will also fix the compensation to be paid to the School Business Administrator/Board Secretary.

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.

#### **Legal References**

N.J.S.A. 18A:16-1; 18A:17-5; 18A:17-14.1 et seq.  
N.J.A.C. 6A:9B-12.7

Adopted: August 18, 2009  
Revised: August 9, 2016



### **1320 – Duties of School Business Administrator/Board Secretary**

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:

1. Establish and maintain long-range and other fiscal plans in cooperation with the Board and Superintendent;
2. Prepare the annual budget based upon district resources and needs at the direction of the Finance Committee and Superintendent;
3. Ensure that all district fiscal, insurance, custodial-maintenance, food, and transportation services comply with the policies of the Board and the regulations of the district;
4. Ensure the proper functioning and evaluation of district personnel assigned to his/her areas of responsibility;
5. Manage efficiently the district systems of accounting, purchasing, investment, insurance, plant operation and maintenance, transportation, and food services;
6. Strive to increase the capability of the staff assigned to his/her area of responsibility through consultation and in-service training;
7. Analyze the effectiveness of district programs in his/her area of responsibility and recommend changes in program direction, staffing, or management strategies as necessary;
8. Strive to increase the efficient use of district resources in his/her area of responsibility;
9. Help to interpret the budget and the district affairs under his/her supervision to interested members of the school district community;
10. Strive to develop personal capabilities in financial strategies and supervisory methods;
11. Strive to conduct himself or herself in a proper manner at all times;
12. Be responsible for the conduct of all duties legally assigned to his/her position including:
  - a. 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;
  - b. 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;
  - c. Collecting tuition fees and other moneys due the Board and transmitting them to the Treasurer of School Moneys, N.J.S.A. 18A:17-8;



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1320 – Duties of School Business Administrator/  
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- d. 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;
  - e. Keeping accounts of the district's financial transactions including a correct detailed accounting of all expenditures, N.J.S.A. 18A:17-8;
  - f. 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, and 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;
  - g. Keeping all contracts, records, and documents belonging to the Board, N.J.S.A. 18A:17-9;
  - h. 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;
  - i. Reporting to the Commissioner 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;
  - j. 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, and to prepare the Comprehensive Annual Financial Report (CAFR) N.J.S.A. 18A:23-4;
  - k. Subscribe to bonds, notes, contracts, and other legal instruments of the Board for which the signature of the Secretary is required, N.J.S.A. 18A:24-32; and
  - l. Sign all school district warrants and certify to the payroll, N.J.S.A. 18A:19-1, 19-9.
13. Perform such other duties as may be required by the Board or Superintendent.

The School Business Administrator/Board Secretary shall be directly responsible to the Superintendent for the performance of his/her assigned duties and responsibilities as School Business Administrator and to the Board for the performance of his/her legal duties as Board Secretary.

Adopted: August 18, 2009



### **1330 – Evaluation of the School Business Administrator**

The Superintendent will evaluate the performance of the School Business Administrator, tenured or non-tenured, in order to assist both the Board and the School Business Administrator in the proper discharge of their responsibilities and to provide the district with efficient and effective services.

The evaluation of the School Business Administrator will consist of an assessment, by the Superintendent, of the School Business Administrator's performance of the duties specified in the job description approved by the Board. Reference will be made to the report of the auditor. The Superintendent may, in his/her discretion, consult with staff members assigned to work with the School Business Administrator.

The Board and the Superintendent will annually establish procedures for the evaluation of the School Business Administrator. Such procedures may include, but need not be limited to, an informal conference with the School Business Administrator for the purpose of discussing his/her job performance, a written evaluation report to which the School Business Administrator may add comments, and the establishment of a written plan for performance improvement and growth. The School Business Administrator will be evaluated by the Superintendent no later than April 30<sup>th</sup>.



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## Lopatcong Township Board of Education

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1330 – Evaluation of the School Business Administrator  
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Adopted: August 18, 2009



# Regulation

## Lopatcong Township Board of Education

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R1330 – Evaluation of the School Business Administrator (M)

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### **R1330 – Evaluation of the School Business Administrator (M)**

#### A. Frequency of Evaluation

The Superintendent will evaluate the performance of the School Business Administrator annually, no later than April 30<sup>th</sup>, or more frequently as the Superintendent deems necessary.

#### B. Purpose

The evaluation of the School Business Administrator shall be for the purpose of:

1. Promoting professional excellence and improving the skills of the School Business Administrator;
2. Improving the effectiveness and efficiency of the financial management system;
3. Reviewing the performance of the School Business Administrator against specific criteria developed by the Superintendent in consultation with the Board.

#### C. Evaluation Criteria

1. Criteria for the evaluation of the School Business Administrator will be based upon the job description and will relate directly to each of the tasks described. Each criteria will be brief and will focus on a major function of the position, be based on observable information rather than factors requiring subjective judgment, and be written in a consistent format.
2. The Board shall develop and approve criteria for the evaluation which will be reviewed as necessary and as requested by the School Business Administrator but not less than annually, and upon any revision of the School Business Administrator's job description. Any proposed revision of the evaluation criteria will be provided to the School Business Administrator for comment before its adoption, and a copy of the adopted revision shall be provided to the School Business Administrator within ten working days of its adoption.
3. By April 15<sup>th</sup>, the Superintendent will complete a written evaluation of the School Business Administrator.
4. Upon completion, the Superintendent will provide a copy of the evaluation to the School Business Administrator.
5. By April 30<sup>th</sup> the Superintendent and School Business Administrator will meet for an Annual Summary Conference to discuss the evaluation, establish a plan for performance, improvement, and growth.
6. An opportunity will be provided for the School Business Administrator to enter performance data not included in the annual performance report and to respond to any commentary in the written evaluation.

#### D. Collection and Reporting of Evaluation Data

Data for the evaluation of the School Business Administrator will be gathered by any one or more of the following methods:

1. Direct observation;



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2. Review of a document produced by the School Business Administrator in the performance of his/her assigned duties;
3. Interviews with the School Business Administrator by the Superintendent regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments (such as competency tests, staff surveys, and the like);
5. A review of the School Business Administrator's performance by an outside observer (such as the district auditor);
6. Audio-visual monitoring of the School Business Administrator in the performance of assigned duties; and
7. Reference to previous performance reports.

### E. Preparation of Written Evaluation Report

An annual written performance report shall be prepared, no later than April 15<sup>th</sup>, by the Superintendent. The report will include, but need not be limited to:

1. Performance areas needing improvement;
2. A plan for professional growth and development; and
3. Provision for performance data not included in the report which may be entered into the report by the School Business Administrator within ten working days after the completion of the report.

### F. Conduct of Annual Performance Conference

1. An annual summary conference with the School Business Administrator will be conducted by the Superintendent before the annual performance report is filed.
2. The conference shall include but need not be limited to:
  - a. A performance review based upon achieving and implementing, as applicable, the district's goals, program objectives, policies, priorities, and statutory requirements;
  - b. A review of the most recent audit report; and
  - c. Growth toward the performance objectives established in the previous performance conference.
3. The purpose of the annual performance conference shall be to provide a total review of the year's work, to identify strategies for improvement where necessary, to recognize achievement and good practice, and to specify a plan for professional growth and development. Adequate time shall be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
4. The annual performance report will be signed by the Superintendent at the time of the annual performance conference and by the School Business Administrator within ten working days of that conference. It will be filed in the School Business Administrator's personnel file, and a copy will be provided to him/her.



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5. It will be the duty of the School Business Administrator to implement the plan for professional growth as prepared; his/her failure to do so may result in disciplinary action up to and including certification of tenure charges.

Adopted: August 18, 2009



### **1331 – Evaluation of the Board Secretary**

The Board of Education will evaluate the performance of the Board Secretary in order to assist both the Board and the Board Secretary in the proper discharge of their responsibilities and to provide the district with efficient and effective services.

The evaluation of the Board Secretary will consist of an assessment, by members of the Board, of the Board Secretary's performance of the duties specified in the job description as they relate to the function of Board Secretary approved by the Board. Reference will be made to the report of the auditor. The Board may, in its discretion, consult with staff members assigned to work with the Board Secretary. If the Board Secretary also serves as School Business Administrator, the Superintendent shall evaluate the individual with regard to those duties and responsibilities.

The Board will annually establish procedures for the evaluation of the Board Secretary. Such procedures may include, but need not be limited to, an informal Board conference with the Board Secretary for the purpose of discussing his/her job performance, a written evaluation report to which the Board Secretary may add comments, and the establishment of a written plan for performance improvement and growth. The Board Secretary will be evaluated by the Superintendent no later than April 30<sup>th</sup>.

Adopted: August 18, 2009



# Policy

## Lopatcong Township Board of Education

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1350 – Incapacity of School Business  
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### **1350 – Incapacity of School Business Administrator/Board Secretary**

The Board of Education will appoint, by the affirmative votes of a majority of the members of the full Board, and fix the compensation of an Acting School Business Administrator/Board Secretary to serve when the School Business Administrator/Board Secretary is so incapacitated as to render him/her unable to perform the duties of the office of School Business Administrator/Board Secretary.

The School Business Administrator/Board Secretary will be deemed to be incapacitated when:

1. The School Business Administrator/Board Secretary is absent on disability leave of a projected duration of ninety consecutive calendar days or more; or
2. The School Business Administrator/Board Secretary is certified incapacitated by a physician in accordance with [Board Policy #3161 – Examination for Cause](#); or
3. The School Business Administrator/Board Secretary has been suspended with pay; or
4. The School Business Administrator/Board Secretary has been suspended without pay pending the resolution of tenure charges.

The Acting School Business Administrator/Board Secretary shall discharge the duties of the office until the School Business Administrator/Board Secretary returns, resigns, or is removed from the position. The acts of the Acting School Business Administrator/Board Secretary shall be legal and binding as if done by the School Business Administrator/Board Secretary. The Acting School Business Administrator/Board Secretary shall not acquire tenure in the position of School Business Administrator/Board Secretary.

#### **Legal References**

N.J.S.A. 18A:16-1.1; 18A:17-5

Adopted: August 18, 2009



# Policy

## Lopatcong Township Board of Education

Administration  
1440 – Job Descriptions (M)  
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### **1440 – Job Descriptions (M)**

The Board of Education shall adopt job descriptions for the positions of Superintendent, School Business Administrator/Board Secretary, and each supervisory position. The Superintendent shall prepare, approve, and disseminate to the Board job descriptions for all other employment positions created by the Board.

All job descriptions will be written and will be based on the outcome and process goals developed by the Board and, as appropriate to the position, on program objectives. Each job description will specify:

1. The qualifications and specific certificate and endorsement required for the position;
2. The function, duties, and responsibilities of the position;
3. The extent and the limits of the position holder's authority;
4. The work relationships between the position holder and other employees of the district; and
5. Any background experiences, personal qualities, and individual achievements that the Board prefers in a person appointed to the position.

Job descriptions will be reviewed periodically.

#### **Legal References**

N.J.A.C. 6A:32-4.1; 6A:32-4.4; 6A:32-4.5; 6A:32-5.1

Adopted: August 18, 2009



# Regulation

## Lopatcong Township Board of Education

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### **R1440 – Job Descriptions (M)**

- A. A job description shall be prepared for each job position in the district, including all administrative, educational specialist, instructional, and support staff positions.
- B. Each job description must include:
  - 1. The goals of the position as they relate to district goals;
  - 2. The qualifications of the position holder including the certificate and endorsement required for the position and such other prerequisites for employment as the possession of a license to operate a vehicle or machine;
  - 3. The functions, duties, and responsibilities of the position;
  - 4. The extent and limits of the position holder's authority; and
  - 5. The working relationships of the position within and outside the school district.
- C. Each job description will:
  - 1. Be written in clear language that briefly describes the major functions of the position;
  - 2. Whenever possible, be generic in form, covering a number of specific positions;
  - 3. Be written in the same format, using the active and present tense, operational verbs, common terminology, and a direct, simple style; and
  - 4. Be gender neutral or employ both male and female pronouns.
- D. Maintenance of district job descriptions shall be the responsibility of the School Business Administrator/Board Secretary. Job descriptions shall be reviewed on the request of a single position holder.
- E. Each employee shall be sent a copy of his/her current job description by the School Business Administrator/Board Secretary. Any revision of a job description shall be provided to each holder of a position covered by the job description within thirty working days of its approval.
- F. Suggested revisions to job descriptions by a job holder shall be referred initially to the job holder's immediate supervisor.

Adopted: August 18, 2009



### **1510 – Americans with Disabilities Act (M)**

It is the policy of the Board of Education that no qualified individual with a disability will, on the basis of the disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, activity or service sponsored by this Board. The Board will comply with the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendments Act of 2008 (hereafter referred to as the Act).

Notice of [Board Policy and Regulation #1530 – Equal Employment Opportunities](#) and [Board Policy and Regulation #5750 – Equal Education Opportunity](#) will be included in the Board policy manual, posted throughout the district, and referenced in any district statement regarding the availability of employment positions or educational services.

#### **Employment**

No employee or candidate for employment will be discriminated against in recruitment, hiring, advancement, discharge, compensation, job training, transfer, or any other term, condition, or privilege(s) of employment solely on the basis of a disability, provided the employee or candidate can, with or without reasonable accommodation(s), perform the essential functions of the position sought or held.

No candidate for employment will be required to answer a question or submit to an examination regarding a disability except as such disability relates directly to the performance of the job-related functions. No candidate will be discriminated against on the basis of a handicap/disability that is not directly related to the essential function of the position for which he/she has applied.

Reasonable accommodations, not directly affecting the educational and/or instructional program, will be made to accommodate employment conditions to the needs of qualified individuals with disabilities, such accommodations may include, but are not limited to: making existing facilities used by employees readily assessable to and usable by individuals with disabilities, job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.

#### **Facilities Maintenance and Accessibility**

No qualified individual with a disability will, because of the school district's facilities being inaccessible or unusable by disabled persons, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity offered by the Board. No new facilities will be constructed that do not fully comply with the Act. Alterations to existing facilities or part thereof will be altered in such a manner to the maximum extent feasible, that the facilities are readily accessible and usable by individuals with disabilities who have a need to access Board facilities.



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## Lopatcong Township Board of Education

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1510 – Americans with Disabilities Act (M)  
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The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by persons with disabilities.

### **Service, Program, and Activity Access**

The district will make reasonable accommodations so that services, programs, and activities are readily accessible and usable by qualified individuals with disabilities. The district is not required to provide personal devices or services of a personal nature to qualified individuals with disabilities.

### **Evaluation and Compliance**

The Superintendent (or designee) will evaluate district programs and practices on nondiscrimination, in accordance with law, and will report to the Board accordingly. Assurances of compliance will be submitted as required by law.

The district, with the assistance of interested persons, who may include individuals with disabilities or members of organizations representing individuals with disabilities, or other interested community members and staff, will evaluate its current services, policies, practices, and the effects thereof with regard to the requirements of the Act and make necessary modifications to meet the Act requirements. If such modifications would result in a fundamental alteration of the nature of the affected program or activity, or undue financial or administration burden, the district will provide access through means which would not result in a fundamental alteration or undue financial or administrative burden. 28 CFR §35.150(a)

For a period of at least three years following completion of the self-evaluation, the district will maintain on file, available for public inspection, a list of those interested persons consulted, a description of the areas examined and problems identified, and modifications made.

### **Enforcement - 28 CFR §35.107**

The Board will designate a Building Principal each year as district coordinator for matters dealing with ADA compliance. The district coordinator may be contacted at the following address or telephone number:

Address: 321 Stonehenge Drive  
Phillipsburg, New Jersey 08865

Telephone Number: (908) 213-2995

Grievance procedures are outlined in [Board Regulation #1510 – Americans with Disabilities Act](#).

### **Guarantee of Rights**

The Board will not interfere, directly or indirectly, with any person's exercise or enjoyment of the rights protected by the Act.

The Board will not discriminate against any person for that person's opposition to any act or practice made unlawful by law or this Policy nor for that person's participation in any manner in an investigation or proceeding arising under the Act.



# Policy

## Lopatcong Township Board of Education

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1510 – Americans with Disabilities Act (M)  
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The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.

### Notice

This Policy and its associated Regulation will be available to any member of the public in the district's Policy and Regulation Manual.

### Legal References

42 U.S.C. 12101 (Americans with Disabilities Act of 1990, as amended)  
N.J.S.A. 10:5-1 et seq.  
N.J.S.A. 18A:18A-17  
N.J.A.C. 6A:14-1 et seq.  
34 CFR Part 104

Adopted: August 18, 2009  
Revised: February 21, 2017



# Regulation

## Lopatcong Township Board of Education

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### **R1510 – Americans with Disabilities Act (M)**

The Board of Education will comply with the requirements of the Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008 (hereafter referred to as the “Act.”)

#### **A. Definitions**

1. “Act” means the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008.
2. “Auxiliary aids and services” are identified based on the context of the communication and the individual’s disability. 28 CFR §35.104  
They include, but are not limited to:
  - a. Effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
  - b. Effective methods of making visually delivered materials available to individuals who are blind or have low vision;
  - c. Acquisition or modification of equipment or devices or similar services and actions; and
  - d. Other similar services and actions.
3. “Board” means the Board of Education of this school district.
4. “Companion” means a family member, friend, or associate of an individual seeking access to a service, program, or activity of a school district, who, along with such individual, is an appropriate person with whom the district should communicate.
5. “Complete complaint” means a written statement, signed by the complainant or someone authorized to do so on his/her behalf, containing the complainant’s name and address and describing the public entity’s alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation. 28 CFR §35.104
6. “Current illegal use of drugs” means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person’s drug use is current or that continuing use is a real and ongoing problem.
7. “Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 CFR §35.139
8. “Disability” means, with respect to an individual, that the individual meets one or more of the following three prongs:
  - a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;



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- b. A record of such an impairment; or
  - c. Being regarded as having such an impairment.
9. “District” means this school district.
  10. “District Coordinator” means the district official responsible for the coordination of activities relating to compliance with the Act.
  11. “Drug” means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act. 21 U.S.C. §812
  12. “Employee” means an individual employed by the Board.
  13. “Essential functions of the employment position” are based upon the employer’s judgment and can include an employer’s written description, prepared before advertising or interviewing applicants for the job.
  14. “Existing facility” means a facility in existence on any given date, newly constructed or altered.
  15. “Facility” means all or any portion of buildings, property, or structures, including the site where the building, property, structure, or equipment is located.
  16. “Illegal use of drugs” means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. 21 U.S.C. §812
  17. “Individual with a disability” means a person who has a disability and does not include an individual currently engaging in the illegal use of drugs, when the district acts on the basis of such use.
  18. “Major life activities” means those of central importance to daily life and include, but are not limited to, functions such as: caring for one’s self, performing manual tasks, walking, seeing, hearing, eating, sitting, reaching, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. “Major life activities” also includes physical or mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system. 28 CFR §35.108; 28 CFR §36.105
  19. “Mitigating measures” means steps taken to eliminate or reduce the symptoms or impact of an impairment. “Mitigating measures” include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or other implantable hearing devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102



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- a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.
20. “Office for Civil Rights” (OCR) means the United States Department of Education Office for Civil Rights.
21. “Other power-driven mobility device” means any mobility device powered by batteries, fuel, or other engines used by individuals with mobility disabilities for the purpose of locomotion, including any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. 28 CFR §35.104
22. “Physical or mental impairment” means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR§36.105(b)4
  - a. Physical or mental impairments may include, but are not limited to: contagious and non-contagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
  - b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.
  - c. An impairment that is episodic or in remission may be considered a “disability” if it would substantially limit a major life activity when active.
  - d. Not all impairments are disabilities.
23. “Public entity” means this Board of Education.
24. “Qualified individual” for the purposes of employment, means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position (based upon the employer’s judgment) that such individual holds or desires. An employer’s written description, prepared before advertising or interviewing applicants for the job, shall be considered evidence of the essential functions of the job. 42 U.S.C. 126 §12111(8)



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25. “Reasonable accommodation” may include making existing facilities used by employees readily assessable to and usable by individuals with disabilities and job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
26. “Record of such an impairment” means the individual has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
27. “Regarded as having an impairment” means the individual establishes that he or she has been subjected to a prohibited action under the Act because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits or is perceived to substantially limit a major life activity.
  - a. For this prong only, the public entity must demonstrate the impairment is or would be both transitory (lasting or expected to last six months or less) and minor to show an individual is not regarded as having such an impairment. 42 U.S.C. 126 §12102(3)(B)
  - b. A public entity is not required to provide a reasonable modification to an individual meeting the definition of “disability” solely under the “regarded as” prong.
28. “Substantially limits” means the extent to which the impairment limits an individual’s ability to perform a major life activity as compared to most people in the general population, whether or not an individual chooses to forgo mitigating measures. 42 U.S.C. 126 §12102(4); 28 CFR §35.108(d); 28 CFR §35.105(d)

The rules of construction when determining whether an impairment substantially limits performance of a major life activity include:

- a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.
- b. That it does not demand extensive analysis.
- c. That it substantially limits one major life activity, but not necessarily other major life activities.
- d. That it may be episodic or in remission, as long as the impairment would substantially limit a major life activity when active.
- e. That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.
- f. That it requires an individualized assessment which does not create an “inappropriately high level of limitation” and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).



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- g. That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate evidence that can be considered may include statements or affidavits of affected individuals and school records).
  - h. That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.
  - i. That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: “actual disability” or “record of”.
29. “Undue hardship” means an action requiring significant difficulty or expense when considered in light of factors which include: the nature and cost of the needed accommodation; the overall financial resources of the district or facility providing the reasonable accommodation; the size of the district with respect to the number of employees; effect on expenses and resources, or the impact otherwise of accommodation upon the operation of the facilities; and the type/location of facilities. 42 U.S.C. 126 §12111 (10)
30. “Wheelchair” means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability.

### B. General Requirements

#### 1. Prohibitions Against Discrimination

- a. Discrimination is prohibited against a qualified individual on the basis of a disability. Such individual will not be excluded from participation in or denied the benefits of district services, programs, or activities or be subjected to discrimination by the district in accordance with 28 CFR §35.130. The district must ensure that:
  - (1) When services, programs, and activities are viewed in their entirety, they are accessible to and usable by individuals with disabilities; and
  - (2) Access to services, programs, and activities is provided in an integrated setting unless separate programs are necessary to ensure equal benefits.
- b. The district is not required to take any action that would result in a fundamental alteration of the nature of the program or activity or undue financial or administrative burden. However, claiming undue burden still requires the district to provide access through means that would not result in a fundamental alteration or undue financial or administrative burden.

#### 2. Direct Threat (28 CFR §35.139)

- a. The district is not required to permit an individual to participate in or benefit from the district’s services, programs, or activities when that individual poses a direct threat to the health or safety of others.



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- b. To determine whether an individual poses a direct threat to the health or safety of others, the district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:
  - (1) The nature, duration, and severity of the risk;
  - (2) The probability that the potential injury will actually occur; and
  - (3) Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
- 3. Illegal Use of Drugs (28 CFR §35.131)
  - a. The district will not discriminate on the basis of past illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who:
    - (1) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;
    - (2) Is participating in a supervised rehabilitation program; or
    - (3) Is erroneously regarded as engaging in such use.
  - b. While the Act does not prohibit discrimination against an individual based on that individual's current illegal use of drugs, the district will not deny health services or services provided in connection with drug rehabilitation to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.
  - c. The Act does not prohibit the district from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

### C. Personal Devices and Services

- 1. The district will permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. 28 CFR §35.137
- 2. The district will make reasonable modifications to permit the use of other power-driven mobility devices by individuals with mobility disabilities unless the district can demonstrate that the power-driven device cannot be operated in accordance with legitimate safety requirements pursuant to 28 CFR §35.137. The district will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. The district may require the individual to provide credible assurance that the device is required because of the person's disability.



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3. The district is not required to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing pursuant to 28 CFR §35.135.

### **D. Employment (42 U.S.C. 126 §12112)**

1. Discrimination in Employment
  - a. The Board will not discriminate against a qualified individual on the basis of disability in regard to job application procedures; hiring, advancement, or discharge; compensation; job training; and other terms, conditions, and privileges of employment.
  - b. Applicants and employees working for or applying to work for the district who qualify for a job and are able to perform the essential functions of that job are entitled to reasonable accommodations provided that such accommodations do not pose undue hardship for the district.
  - c. Nothing in the Act shall be construed to preempt, modify, or amend any State, county, or local law, ordinance, or regulation as outlined in N.J.A.C. 6A:32-4.1 et seq.
  - d. The school district may not, on the basis of disability:
    - (1) Limit, segregate, or classify a qualified individual in a way that adversely affects his/her opportunities or status of such employee, applicant, or participant in a contractual or other arrangement;
    - (2) Utilize standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability or perpetuate the discrimination of others subject to common administrative control;
    - (3) Exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to associate or have a relationship;
    - (4) Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual with a disability or deny employment opportunities to such qualified individual unless the district can demonstrate that the accommodation would impose undue hardship to district operations;
    - (5) Use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out individuals with disabilities unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity; and/or
    - (6) Select and administer tests concerning employment to otherwise qualified individuals who possess impaired sensory, manual, or speaking skills, unless done in an effective manner to ensure that, when such tests are administered to a job applicant or employee who has a disability that impairs sensory, manual,



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or speaking skills, the test results accurately reflect the skills, aptitude, or other factors such tests purport to measure rather than reflecting the impaired sensory, manual, or speaking skills of the employee or applicant (except where such skills are the factors that the test purports to measure).

2. Medical Examinations and Inquiries (42 U.S.C. 126 §12112)
  - a. Pre-employment
    - (1) Prohibited examination or inquiries:
      - (a) Whether such an applicant is an individual with a disability; or
      - (b) The nature or severity of such disability.
    - (2) Acceptable inquiry:
      - (a) The ability of an applicant to perform job-related functions.
  - b. Employment Entrance Examinations
    - (1) The district may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:
      - (a) All entering employees are subject to such an examination regardless of disability;
      - (b) Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:
        - i. Supervisors and managers may be informed regarding necessary restrictions on work or duties of the employees and necessary accommodations;
        - ii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
        - iii. Government officials investigating compliance with this Act will be provided relevant information on request.
    - (2) The results of such examination shall only be used in accordance with these provisions.
  - c. Examination and Inquiry:
    - (1) Prohibited examinations and inquiries:
      - (a) The district will not require a medical examination and will not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless



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- such examination or inquiry is shown to be job-related and consistent with business necessity.
- (2) Acceptable examinations and inquiries:
    - (a) The district may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees in the district.
    - (b) The district may make inquiries into the ability of an employee to perform job-related functions.
3. Defenses (42 U.S.C. 126 §12113)
- a. Qualification Standards
    - (1) It may be a defense to a charge of discrimination under the Act that an alleged application of qualification standards, tests, or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under the Act.
      - (a) The term “qualification standards” may include a requirement that an individual will not pose a direct threat to the health or safety of other individuals in the workplace.
    - (b) Notwithstanding 42 U.S.C. 126 §12102 (4)(E)(ii), the Board will not use qualification standards, employment tests, or other selection criteria based on an individual’s uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.
  - b. Infectious and Communicable Diseases
    - (1) In any case in which an individual has an infectious or communicable disease included on the list developed by the United States Secretary of Health and Human Services in accordance with the Act, and which cannot be eliminated by reasonable accommodation, and that is transmitted to others through the handling of food, the Board and its administration may refuse to assign or allow such individual to continue to work in a job involving food handling.
  - c. Illegal Use of Drugs and Alcohol (42 U.S.C. 126 §12114)
    - (1) An individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, with exceptions noted in section B.3. of this Regulation.
    - (2) The Board will hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior as other employees, even if any unsatisfactory



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performance or behavior is related to the drug use or alcoholism of such employee.

### d. Drug Testing

- (1) For the purposes of the Act, a test to determine the illegal use of drugs will not be considered a medical examination.
- (2) No provision of the Act shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

## E. Program Accessibility

### 1. Discrimination Prohibited

- a. Except as otherwise provided in 28 CFR §35.150, no qualified individual with a disability will, because the district's facilities are inaccessible to or unusable by individuals with disabilities, including inside or outside access to such facilities, may be excluded from participation in, or be denied the benefits of the services, programs, or activities of the district, or be subjected to discrimination by the district.
- b. The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by individuals with disabilities. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 CFR §35.133
  - (1) In regard to existing facilities, the district will operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.
    - (a) The district is not required to fundamentally alter the nature of a service, program, or activity, or assume undue financial or administrative burdens, or take any action threatening the historic significance of a historic property and has the burden of proving that compliance with the Act would result in such alterations or burdens. 28 CFR §35.150(a)
    - (b) Should the Board and Superintendent of Schools or his/her designee determine, after considering all resources available, that compliance would result in such alteration or burden, a written statement of reasons must accompany such a determination.
    - (c) The Board will take any other action, including, but not limited to redesign or acquisition of equipment, or reassignment of services or staff, that would not result in such alteration or burden, but would, nevertheless, ensure that individuals with disabilities receive the benefits/services provided by the district.



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- (2) In regard to new construction and alterations, each facility or part of a facility constructed by, on behalf of, or for the use of the district will be designed and constructed in such manner, in accordance with 28 CFR §35.151, that the facility or part of the facility is readily accessible to and usable by individuals with disabilities.
  - (a) Full compliance with the requirements of 28 CFR §35.151 is not required where the district can demonstrate that it is structurally impracticable to meet the requirements.
  - (b) If providing accessibility in conformance with 28 CFR §35.151 to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with 28 CFR §35.151.

### F. Communications (28 CFR §35.160)

1. The district will take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.
2. The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.
  - a. Auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
  - b. The district will not require an individual with a disability to bring another individual to interpret with a disability. The district will not rely on an adult accompanying an individual with a disability or on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interprets or facilitates communication, the accompanying adult agrees to provide such assistance, and reliance on that adult is appropriate under the circumstances.
3. Where the district communicates by telephone with applicants and beneficiaries who are deaf, hard of hearing, or who have speech impairments, text telephones (TTYs) or equally effective telecommunications systems equipped with emergency service access will be used to communicate, in the same time and manner as with other telephone systems (including automated systems). 28 CFR §35.161



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4. The district will ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities, including signage at all inaccessible facility entrances. 28 CFR §35.163

### **G. Grievance Procedure (28 CFR §35.107(b))**

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall first discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the District Coordinator. The complaint will include:
  - a. The complainant's name and address;
  - b. The specific act or practice of which the complainant complains;
  - c. The employee, if any, responsible for the allegedly discriminatory act;
  - d. Results of discussions conducted in accordance with paragraph G.1. above; and
  - e. Reasons why those results are not satisfactory.
3. The District Coordinator will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the District Coordinator may be appealed to the Superintendent in writing within three 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.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require at the hearing the presence of the staff member charged with a discriminatory act and any other person with knowledge of the complained act.
6. The Superintendent will render a written decision in the matter no later than seven 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.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the School Business Administrator/Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:
  - a. The original complaint;
  - b. The response to the complaint;



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- c. The Superintendent’s decision;
  - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
  - e. The complainant’s reason for believing the Superintendent’s decision should be changed.
8. If a staff member is charged with a discriminatory act, the Board will provide a copy of the appeal to that staff member.
  9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. 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.
  10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
  11. The complainant will be informed of his/her right to appeal the Board’s decision to the:  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section – 1425 NYAV  
Washington, D.C. 20530
  12. An individual who believes he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the district may, by himself/herself, or an authorized representative, at any time, file a complaint directly with OCR.
  13. Record:
    - a. The record of any complaint processed in accordance with this procedure will be maintained in a file kept by the District Coordinator.
    - b. A copy of the decision rendered at the highest level of appeal will be kept in the employee’s personnel file.

Adopted: August 18, 2009  
Revised: February 21, 2017



### **1523 – Comprehensive Equity Plan (M)**

The Board of Education will submit a Comprehensive Equity Plan based on an assessment of the district's needs for achieving equity in educational programs that includes a cohesive set of policies, programs, and practices that ensure high expectations and positive achievement patterns and equal access to education opportunity for all learners, including students and teachers.

The Board's obligation to be accountable for the requirements in N.J.A.C. 6A:7 is not precluded or alleviated by any rule or regulation of any organization, club, athletic association, or other league or group.

The Comprehensive Equity Plan will include the following:

1. An assessment of the school district's needs for achieving equity in educational programs. The assessment will include staffing practices, quality-of-program data, stakeholder-satisfaction data, and student assessment and behavioral data disaggregated by gender, race, ethnicity, limited English proficiency, special education, migrant, date of enrollment, student suspension, expulsion, Child Study Team referrals, preschool through grade eight promotion/retention data, preschool through grade eight completion rates, and re-examination and re-evaluation of classification and placement of students in special education programs if there is overrepresentation within a certain group;
2. A description of how other Federal, State, and district policies, programs, and practices are aligned to the Comprehensive Equity Plan;
3. Progress targets for closing the achievement gap;
4. Professional development targets regarding the knowledge and skills needed to provide a thorough and efficient education as defined by the Core Curriculum Content Standards; differentiated instruction and formative assessments aligned to Core Curriculum Content Standards; and high expectations for teaching and learning; and
5. Annual targets addressing district needs in equity in school and classroom practices that are aligned to professional development targets.

A Comprehensive Equity Plan will be written every three years and the Board of Education will initiate the Comprehensive Equity Plan within sixty days of its approval and will implement the plan in accordance with the timelines approved by the New Jersey Department of Education.

In the event the Board of Education does not implement the Comprehensive Equity Plan within one hundred eighty days of its approval date, or fails to report its progress annually, sanctions deemed to be appropriate by the Commissioner of Education (or designee) will be imposed, and may include action to suspend, terminate, or refuse to award continued Federal or State financial assistance, pursuant to N.J.S.A. 18A:55-2.



# Policy

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### Legal References

N.J.A.C. 6A:7-1.9

Adopted: August 18, 2009

Revised: August 9, 2016



# Policy

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### **1530 – Equal Employment Opportunities (M)**

The Board of Education will, in accordance with law, guarantee equal employment opportunity throughout the district.

The Board will ensure all persons will have equal and bias free access to all categories of employment and equal pay for equal work in this district without regard to the candidate's race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability, pursuant to N.J.A.C. 6A:7-1.1. The school district's employment applications and pre-employment inquiries conform to the guidelines of the New Jersey Division of Civil Rights.

The Board will use equitable practices that prevent imbalance and isolation based on race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability among the district's certificated and non-certificated staff and within every category of employment, including administration. Promotions and transfers will be monitored to ensure non-discrimination.

The Board will not assign, transfer, promote or retain staff, or fail to assign, transfer, promote or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.

The Board will target under-utilized groups in every category of employment. The Board will strive to provide among the faculty of each school role models of diverse racial and cultural backgrounds.

The Board will not enter into a contract with a person, agency, or organization that discriminates in employment practices or in the provision of benefits or services, on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation or gender, socioeconomic status, or disability, either in employment practices or in the provision of benefits or services to students or employees, pursuant to N.J.A.C. 6A:7-1.1.

The Superintendent will promulgate a complaint procedure for the adjudication of disputes alleging violation of the law prohibiting discrimination in employment or this policy.

The Board will not discriminate against any person for that person's exercise of rights under the laws prohibiting discrimination in employment or this policy.

#### **Legal References**

N.J.S.A. 18A:6-5; 6-6; 18A:28-10; 18A:29-2

N.J.A.C. 6A:7-1.1 et seq.; 6A:7-1.8

Adopted: August 18, 2009

Revised: August 9, 2016



# Regulation

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### **R1530 – Equal Employment Opportunity Complaint Procedure (M)**

#### **A. Purpose and Application**

1. 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 #1530 - Equal Employment Opportunities](#), guaranteeing “equal access to all categories of employment without regard to the candidate’s race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability.”
2. 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.
3. 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.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual employees.

#### **B. Definitions**

1. “Board of Education” means the Board of Education of the Lopatcong Township School District.
2. “Complaint” means an alleged discriminatory act or practice.
3. “Complainant” means a staff member who alleges a discriminatory act or practice.
4. “Day” means a working or calendar day as identified.
5. “Discriminatory act or practice” means denial of equal employment opportunity in violation of State statutes and administrative codes and Federal laws and [Board Policy #1530 - Equal Employment Opportunities](#).
6. “School district” means the Lopatcong Township School District.

#### **C. Procedure**

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy will discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
  - a. The complainant’s name and address,
  - b. The specific act or practice that the complainant complains of,
  - c. The school employee, if any, responsible for the allegedly discriminatory act,



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- d. The results of discussions conducted in accordance with paragraph C1, and
- e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three 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.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent 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.
6. The Superintendent will render a written decision in the matter no later than seven 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.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal will include:
  - a. The original complaint,
  - b. The response to the complaint,
  - c. The Superintendent's decision,
  - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
  - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. 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.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.



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11. The complainant will be informed of his/her right to appeal the Board's decision to the:
  - a. Commissioner of Education  
New Jersey State Department of Education  
P.O. Box 500  
Trenton, New Jersey 08625-0500  
Telephone: (877) 900-6960; or the
  - b. New Jersey Division on Civil Rights  
Trenton Regional Office  
Office of the Attorney General  
140 East Front Street – 6<sup>th</sup> Floor  
Trenton, New Jersey 08625-0090  
Telephone: (609) 292-4605

### D. Record

1. The records of any complaint processed in accordance with this procedure will be maintained in a file kept by the Affirmative Action Officer.
2. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

Adopted: August 18, 2009  
Revised: August 9, 2016



### **1540 – Administrator’s Code of Ethics**

#### **Definitions**

- A. “Administrator” means any employee of this school district who holds a position that:
1. Requires certification with the endorsement of school administrator, Building Principal, or School Business Administrator;
  2. Does not require certification but is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local school district; or
  3. Requires certification with the endorsement of supervisor and is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local school district.
- B. “Business” means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but does not include a school district or other public entity.
- C. “Interest” means the ownership of or control of more than ten percent of the profits, assets, or stock of a business but does not include the control of assets in a labor union.
- D. “Immediate family” means the person to whom the administrator is legally married and any dependent child of the administrator residing in the same household.

#### **Code of Ethics**

No administrator or member of his/her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity that is in substantial conflict with the proper discharge of his/her duties in the public interest.

No administrator shall use or attempt to use his/her official position to secure unwarranted privileges, advantages, or employment for him/herself, a member of his/her immediate family, or any other person.

No administrator shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her independence of judgment in the exercise of official duties. No administrator shall act in his/her official capacity in any matter where he/she or a member of his/her immediate family has a personal involvement that is or creates some benefit to the administrator or a member of his/her immediate family.

No administrator shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of official duties.

No administrator or member of his/her immediate family or business organization in which he/she has an interest shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution,



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service, promise, or other thing of value was given or offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties.

No administrator shall accept offers of meals, entertainment, or hospitality which are limited to the clients/customers of the individual providing such hospitality. Administrators may attend hospitality suites or receptions at conferences only when they are open to all attending the conference.

No administrator shall use, or allow to be used, his/her public office or any information not generally available to the members of the public which he/she receives or acquires in the course of and by reason of his/her office, for the purpose of securing financial gain for him/herself, any member of his/her immediate family, or any business organization with which he/she is associated.

No administrator or business organization in which he/she has an interest shall represent any person or party other than the Board of Education or this school district in connection with any cause, proceeding, application or other matter pending before this school district or in any proceeding involving this school district, except that this provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities.

Nothing shall prohibit an administrator or members of his/her immediate family from representing him/herself or themselves in negotiations or proceedings concerning his/her or their own interests.

Each administrator shall annually, in accordance with N.J.S.A. 18A:12-25 and 18A:12-26, law, file with the Commissioner a disclosure statement report regarding potential conflicts of interest. and with the School Ethics Commission a financial disclosure statement.

### Legal References

N.J.S.A. 18A:12-21 through 18A:12-34; 18A:12-22;  
N.J.S.A. 18A:12-23; 18A:12-24; 18A:12-25; 18A:12-26;  
N.J.S.A. 18A:12-27; 18A:12-28; 18A:12-29;  
N.J.S.A. 18A:12-30; 18A:12-31; 18A:12-32; 18A:12-33; 18A:12-34  
School Ethics Policy Guideline 1

Adopted: August 18, 2009



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### **1550 – Equal Employment/Anti-Discrimination Practices (M)**

The Board of Education will, in accordance with State statutes and administrative code and Federal law and regulations, strive to overcome the effects of any previous patterns of discrimination in school district employment practices and will systematically monitor school district procedures to ensure continuing compliance with anti-discrimination laws and regulations.

The Board will ensure all persons regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status will have equal and bias-free access to all categories of employment in the public educational system of New Jersey, pursuant to N.J.A.C. 6A:7-1.1.

The Board will not enter into any contract with a person, agency, or organization that discriminates on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, either in employment practices or in the provision of benefits or services to students or employees. In addition, the Board will equally consider minority businesses, women's business enterprises, and labor surplus area firms that submit bids to be considered for the awarding of contracts.

The Board will not assign, transfer, promote or retain staff, or fail to assign, transfer, promote or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.

The Board will ensure equal pay for equal work among members of the district's staff, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.

#### Legal References

N.J.S.A. 10:5-4

N.J.A.C. 6A:7-1.1 et seq.; 6A:7-1.8

Adopted: August 18, 2009

Revised: June 26, 2018



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### **R1550 – Equal Employment/Anti-Discrimination Practices (M)**

#### **E. Purpose and Application**

3. The purpose of this procedure is to give any school district employee the opportunity to appeal an alleged violation of the school district’s Affirmative Action Program for employment and contract practices, as set forth in [Board Policy #1550 – Equal Employment/Anti-Discrimination Practices](#) or in a plan formally adopted by the Board of Education and approved by the Commissioner.
4. No qualified handicapped person, will, on the basis of handicap, be subjected to discrimination in employment and the Board will take positive steps to employ and advance in employment qualified handicapped persons in programs and activities.
5. 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.
6. 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.
7. All participants in the procedure will respect the confidentiality that this school district accords to information about individual staff members.

#### **F. Definitions**

8. “Board of Education” means the Board of Education of the Lopatcong Township School District.
9. “Complaint” means an alleged violation of the school district’s Affirmative Action Plan or Policy.
10. “Complainant” means a staff member who alleges a violation of the school district’s Affirmative Action Plan or [Board Policy #1550 – Equal Employment/Anti-Discrimination Practices](#).
11. “Day” means a business day or calendar day as identified.
12. “School district” or “District” means the Lopatcong Township School District.
13. “Violation” means the failure of a district official or employee to take the positive steps outlined in [Board Policy #1550 – Equal Employment/Anti-Discrimination Practices](#) or the duly approved Affirmative Action Plan to remove impermissible bias or preference from all aspects of school district employment or contract practices and/or to correct the results of past discrimination.

#### **G. Procedure**

1. A Complainant who believes he/she has been harmed or adversely affected by a failure to enforce the school district’s Affirmative Action Plan for employment and contract practices will discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
  - a. In the event the Complainant believes their immediate supervisor may be conflicted or if the immediate supervisor is not available, the Complainant may proceed directly to the school district’s Affirmative Action Officer as outlined in C.2. below.



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- b. In the event the Complainant believes the school district’s Affirmative Action Officer may be conflicted, the Complainant may submit a written complaint to the Superintendent who will designate a supervisor or administrative staff member to conduct the investigation in accordance with the procedures outlined in this Regulation. The Superintendent will ensure the supervisor or administrative staff member is provided affirmative action training in accordance with State mandates and guidelines.
2. If the matter is not resolved to the satisfaction of the Complainant within ten (10) business days, the Complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
  - a. The Complainant’s name and address;
  - b. The specific failure to act that the Complainant complains of;
  - c. The school officer or employee, if any, responsible for the alleged violation of the Affirmative Action Plan;
  - d. The results of discussions conducted in accordance with paragraph C.1; and
  - e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven (7) business days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three (3) business 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 violated the Affirmative Action Plan.
5. Upon request, the Complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven (7) business days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation complained of.
6. The Superintendent will render a written decision in the matter no later than seven (7) business days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
7. The Complainant may appeal the Superintendent’s decision to the Board of Education by filing a written appeal with the Board Secretary no later than three (3) business days after receipt of the Superintendent’s decision. The appeal will include:
  - a. The original complaint;
  - b. The response to the complaint;
  - c. The Superintendent’s decision;



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- d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
- e. The Complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. 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.
10. The Board will render a written decision no later than forty-five (45) calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The Complainant will be informed of his/her right to appeal the Board's decision to the:
  - a. Commissioner of Education  
New Jersey State Department of Education  
P.O. Box 500  
Trenton, New Jersey 08625-0500; or the
  - b. New Jersey Division on Civil Rights  
Central Regional Office  
140 East Front Street – 6<sup>th</sup> Floor  
Trenton, New Jersey 08625-0090

### H. Record

1. The records of any complaint processed in accordance with this procedure will be kept in a file maintained by the Affirmative Action Officer.
2. A copy of the decision rendered at its highest level of appeal will be kept in the Complainant's personnel file.

Adopted: August 18, 2009

Revised: June 26, 2018



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R1550 – Equal Employment/Anti-Discrimination Practices (M)

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### I. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for district employment the opportunity to appeal an alleged violation of the district's Affirmative Action Program for employment and contract practices, as set forth in [Board Policy #1550 – Affirmative Action Program for Employment and Contract Practices/Employment Practices Plan](#) or in a plan formally adopted by the Board of Education and approved by the Commissioner.
2. No qualified handicapped person, shall, on the basis of handicap, be subjected to discrimination in employment and the Board will take positive steps to employ and advance in employment qualified handicapped persons in programs and activities.
3. 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.
4. 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.
5. All participants in the procedure will respect the confidentiality that this district accords to information about individual staff members.

### J. Definitions

1. "Board of Education" means the Board of Education of the Lopatcong Township School District.
2. "Complaint" means an alleged violation of the district's Affirmative Action Plan or Policy.
3. "Complainant" means a staff member who alleges a violation of the district's Affirmative Action Plan or [Board Policy #1550 – Affirmative Action Program for Employment and Contract Practices/Employment Practices Plan](#).
4. "Day" means a working or calendar day as identified.
5. "School district" means the Lopatcong Township School District.
6. "Violation" means the failure of a district official or employee to take the positive steps outlined in [Board Policy #1550 – Affirmative Action Program for Employment and Contract Practices/Employment Practices Plan](#) or the duly approved Affirmative Action Plan to remove impermissible bias or preference from all aspects of district employment or contract practices and/or to correct the results of past discrimination.

### K. Procedure

12. A complainant who believes that he/she has been harmed or adversely affected by a failure to enforce the district's Affirmative Action Plan for employment and contract practices shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.



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13. If the matter is not resolved to the satisfaction of the complainant within thirty (30) working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
  - f. The complainant's name and address,
  - g. The specific failure to act that the complainant complains of,
  - h. The school officer or employee, if any, responsible for the alleged violation of the Affirmative Action Plan,
  - i. The results of discussions conducted in accordance with paragraph C1, and
  - j. The reasons why those results are not satisfactory.
14. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven (7) working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
15. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three (3) 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 violated the Affirmative Action Plan.
16. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven (7) working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation complained of.
17. The Superintendent will render a written decision in the matter no later than seven (7) 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 of Education.
18. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three (3) working days after receipt of the Superintendent's decision. The appeal will include:
  - f. The original complaint,
  - g. The response to the complaint,
  - h. The Superintendent's decision,
  - i. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
  - j. The complainant's reason for believing the Superintendent's decision should be changed.
19. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.



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20. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. 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.
21. The Board will render a written decision no later than forty-five (45) calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
22. The complainant will be informed of his/her right to appeal the Board's decision to the:
  - c. Commissioner of Education  
New Jersey State Department of Education  
P.O. Box 500  
Trenton, New Jersey 08625-0500  
Telephone: (877) 900-6960; or the
  - d. New Jersey Division on Civil Rights  
Trenton Regional Office  
Office of the Attorney General  
140 East Front Street – 6<sup>th</sup> Floor  
Trenton, New Jersey 08625-0090  
Telephone: (609) 292-4605

### **L. Record**

3. The records of any complaint processed in accordance with this procedure shall be kept in a file maintained by the Affirmative Action Officer.
4. A copy of the decision rendered at its highest level of appeal will be kept in the complainant's personnel file.

Adopted: August 18, 2009

Revised: March 8, 2011



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### **1570 – Internal Controls (M)**

As a condition of receiving State aid, the school district shall establish specific policies and procedures on internal controls designed to provide management with reasonable assurance that the district's goals and objectives will be met and that meet the requirements of N.J.A.C. 6A:23A-6.5 through N.J.A.C. 6A:23A-6.13. Internal controls shall promote operational efficiency and effectiveness, provide reliable financial information, safeguard assets and records, encourage adherence to prescribed policies, and comply with law and regulation.

The specific internal controls contained in N.J.A.C. 6A:23A-6 shall be established together with other internal controls contained in N.J.A.C. 6A and other law and regulations, required by professional standards and as deemed necessary and appropriate by district management. The district may submit a written request to the Commissioner to approve an alternative system, approach, or process for implementing the internal controls required in N.J.A.C. 6A:23A-6. The application must include documented evidence that includes, but is not limited to, an independent, third-party written assessment that the alternative system, approach or process will achieve the same safeguards, efficiency, and other purposes as the specified internal control requirement(s).

The school district shall evaluate business processes annually and allocate available resources appropriately in an effort to establish a strong control environment pursuant to the requirements of N.J.A.C. 6A:23A-6.5. In accordance with the provisions of N.J.A.C. 6A:23A-6.5(b), the School Business Administrator/Board Secretary shall identify processes that, when performed by the same individuals, are a violation of sound segregation of duties and shall segregate the duties of all such processes among Business office staff based on available district resources, assessed vulnerability, and associated cost-benefit. The district shall include in the Comprehensive Annual Financial Report (CAFR) a detailed organizational chart for the Central office that tie to the district's position control logs, including but not limited to, the business, human resources, and information management functions.

The school district shall establish Standard Operating Procedures (SOPs) for each task or function of the business operations of the district by December 31, 2009. The SOP Manual shall include sections on each routine task or function as outlined in N.J.A.C. 6A:23A-6.6(b) and 6A:23A-6.6(c). A standard operating procedure shall be established that ensures office supplies are ordered in appropriate quantities, maintained in appropriate storage facilities, and monitored to keep track of inventory.

School districts with budgets in excess of \$25,000,000 or with more than three hundred employees shall maintain an Enterprise Resource Planning (ERP) System which integrates all data and processes of the school district into a unified system. The ERP system shall use multiple components of computer software and hardware and a unified database to store data for the various system modules to achieve the integration. Districts required to maintain an ERP System that do not have an ERP System in place on July 1, 2008 shall fully implement an ERP System by the 2010-2011 school year and maintain both the existing system(s) and run a beta test ERP System during the 2009-2010 school year.

Whenever considering financial systems or the automation of other services or functions, the Superintendent or School Business Administrator/Board Secretary shall notify the Executive County



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Superintendent in writing to see if opportunities for a shared service system exist. Access controls shall be established for key elements of financial systems to ensure that a single person does not have the ability to make system edits that would violate segregation of duties controls.

The school district shall maintain an accurate, complete, and up-to-date automated position control roster to track the actual number and category of employees and the detailed information for each. Districts are required to maintain a position control roster by December 31, 2009. The position control roster shall share a common database and be integrated with the district's payroll system, agree to the account codes in the budget software, and ensure that the data within the position control roster system includes, at a minimum, the required information as required in N.J.A.C. 6A:23A-6.8(a)3.

### Legal References

N.J.A.C. 6A:23A-6.4; 6A:23A-6.5; 6A:23A-6.6;  
N.J.A.C. 6A:23A-6.7; 6A:23A-6.8

Adopted: August 18, 2009  
Revised: April 13, 2010



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### **R1570 – Internal Controls (M)**

- A. Segregation of Business Duties and Organizational Structure
1. The school district shall evaluate business processes annually and allocate available resources appropriately in an effort to establish a strong control environment.
  2. The School Business Administrator/Board Secretary shall identify processes that when performed by the same individuals are a violation of sound segregation of duties. The School Business Administrator/Board Secretary shall segregate the duties of all such processes among Business office staff based on available district resources, assessed vulnerability and the associated cost-benefit, except as required by a. and b. below.
    - a. The functions of human resources and payroll shall be segregated and completed by different employees in all districts.
    - b. The functions of purchasing and accounts payable shall be segregated and completed by different employees in all districts.
  3. The district shall include in the Comprehensive Annual Financial Report (CAFR) a detailed organizational chart for the Central Office that tie to the district's position control logs, including but not limited to, the business, human resources, and information management functions.
- B. Standard Operating Procedures (SOPs) for Business Functions
1. The school district shall establish SOPs for each task or function of the business operations of the district by December 31, 2009.
  2. The SOP Manual shall include sections on each routine task or function of the following areas:
    - a. Accounting including general ledger, accounts payable, accounts receivable, payroll and fixed assets, and year-end procedures for each;
    - b. Cash management;
    - c. Budget development and administration including tasks such as authorization of transfers and overtime;
    - d. Position control;
    - e. Purchasing including such tasks as preparation of requisitions, approval of purchase orders and encumbering of funds, bid and quote requirements, and verification of receipt of goods and services;
    - f. Facilities including administration of work and health and safety;
    - g. Security;
    - h. Emergency preparedness;
    - i. Risk management;
    - j. Transportation;
    - k. Food service;
    - l. Technology systems; and



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m. Information management.

3. A standard operating procedure shall be established that ensures office supplies are ordered in appropriate quantities, maintained in appropriate storage facilities, and monitored to keep track of inventory.

### C. Financial and Human Resource Management Systems, Access Controls

1. School districts with budgets in excess of \$25,000,000 or with more than 300 employees shall maintain an Enterprise Resource Planning (ERP) System which integrates all data and processes of the school district into a unified system. The ERP system shall use multiple components of computer software and hardware and a unified database to store data for the various system modules to achieve the integration.
  - a. Districts affected by C.1. above that do not have an ERP system in place on July 1, 2008 shall fully implement one by the 2010-2011 school year and maintain both the existing system(s) and run a beta test ERP system during the 2009-2010 school year.
2. Whenever considering financial systems or the automation of other services or functions, the Superintendent or School Business Administrator/Board Secretary shall notify the Executive County Superintendent in writing to see if opportunities for a shared service system exist.
3. Access controls shall be established for key elements of financial systems to ensure that a single person does not have the ability to make system edits that would violate segregation of duties controls.
  - a. The process for creating, modifying, and deleting user accounts shall include the use of user access request forms.
  - b. All requests for financial applications shall be approved and specified by the School Business Administrator/Board Secretary.
  - c. All requests for network access shall be granted by the Director of Technology.
  - d. A review of user access shall be conducted yearly at a minimum by the relevant department managers and an audit trail should be maintained to verify the performance of this review.
  - e. Access to the network and key applications within a district shall be restricted to authorized users through the use of unique user names and passwords.
  - f. Proper protocols shall be implemented that appropriately address password expiration and complexity.

### D. Personnel Tracking and Accounting

1. The school district shall maintain an accurate, complete, and up-to-date automated position control roster to track the actual number and category of employees and the detailed information for each. Districts are required to maintain a position control roster by December 31, 2009. The position control roster shall:
  - a. Share a common database and be integrated with the district's payroll system;



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- b. Agree to the account codes in the budget software;
- c. Ensure that the data within the position control roster system includes, at a minimum, the following information:
  - (3) The employee's name;
  - (4) The date of hire;
  - (5) A permanent position tracking number for each employee including:
- (c) The expenditure account codes for the general fund consistent with the State prescribed budget, special revenue fund and enterprise funds;
- (d) The building(s) the position is assigned;
- (e) The certification title and endorsement held, as applicable;
- (f) The assignment position title as follows:
  - i. Superintendent;
  - ii. Assistant Superintendent;
  - iii. School Business Administrator;
  - iv. Board Secretary (when other than i., ii., or iii. above);
  - v. Principal;
  - vi. Assistant Principal;
  - vii. Director;
  - viii. Supervisor;
  - ix. Facilitator;
  - x. Instructional Coach by Subject Area;
  - xi. Department Chairperson by Subject Area;
  - xii. Certificated Administrator – Other;
  - xiii. Guidance;
  - xiv. Media Specialist/Librarian;
  - xv. School Nurse;
  - xvi. Social Worker;
  - xvii. Psychologist;
  - xviii. Therapist – OT;
  - xix. Therapist – PT;
  - xx. Therapist – Speech;
  - xxi. Certificated Support Staff – Other;
  - xxii. Teacher by Subject Area;
  - xxiii. Instructional Assistants;
  - xxiv. Certificated Instructional – Other;
  - xxv. Aides supported by IEP;
  - xxvi. Other Aides;



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- xxvii. Maintenance Worker;
  - xxviii. Custodian;
  - xxix. Bus Driver;
  - xxx. Vehicle Mechanic;
  - xxxi. Food Service; and
  - xxxii. Other Non-certificated.
- (6) A control number for substitute teachers;
  - (7) A control number for overtime;
  - (8) A control number for extra pay;
  - (9) The status of the position (filled, vacant, abolished, etc.);
  - (10) An indication, when available, of whether the employee is retiring in the budget year or not being renewed including associated costs such as contractual buyouts, severance pay, paid vacation or sick days, etc;
  - (11) Each of the following: base salary, step, longevity, guide, stipends by type, overtime and other extra compensation;
  - (12) The benefits paid by the district, net of employee reimbursements or co-pays, by type of benefit and for FICA and Medicare;
  - (13) The position's full-time equivalent value by location;
  - (14) The date the position was filled; and
  - (15) The date the position was originally created by the Board. If the date the position was originally created is not available, this item shall represent the date the person currently filling that position was approved by the Board.

Adopted: August 18, 2009  
Revised: April 13, 2010



### **1581 – Victim of Domestic or Sexual Violence Leave (M)**

In accordance with the provisions of N.J.S.A. 34:11C-1 et seq., an employee who was a victim of an incident of domestic violence as defined in Section 3 of P.L.1991, c.261 (C.2C:25-19) or a sexually violent offense as defined in Section 3 of P.L.1998, c.71 (C.30:4-27.26), or whose child, parent, spouse, domestic partner, or civil union partner was a victim will be entitled to unpaid leave of no more than twenty days in one twelve-month period, to be used in the twelve-month period following any incident of domestic violence or any sexually violent offense as provided in N.J.S.A. 34:11C-1 et seq.

For the purposes of N.J.S.A. 34:11C-1 et seq. and this Policy, an “employee” means a person who is employed for at least twelve months by the Board of Education, with respect to whom benefits are sought under N.J.S.A. 34:11C-1 et seq. – “NJ SAFE Act” for not less than 1,000 hours during the immediately preceding twelve-month period.

For the purposes of N.J.S.A. 34:11C-3 and this Policy, each incident of domestic violence or any sexually violent offense will constitute a separate offense for which an employee is entitled to unpaid leave, provided the employee has not exhausted the allotted twenty days for the twelve-month period. The unpaid leave may be taken intermittently in intervals of no less than one day, as needed for the purpose of engaging in any of the following activities as they relate to the incident of domestic violence or a sexually violent offense:

1. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner;
2. Obtaining services from a victim services organization for the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner;
3. Obtaining psychological or other counseling for the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner;
4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner from future domestic or sexual violence or to ensure economic security;
5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or
6. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner, was a victim.

An eligible employee may elect, or the Board of Education may require the employee, to use any of the accrued paid vacation leave, personal leave, or medical or sick leave (in accordance with the provisions



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of N.J.S.A. 18A:30-1) during any part of the twenty-day period of unpaid leave provided under N.J.S.A. 34:11C-1 et seq. In such case, any paid leave provided by the Board, and accrued pursuant to established policies of the Board, will run concurrently with the unpaid leave provided under N.J.S.A. 34:11C-1 et seq. and, accordingly, the employee will receive pay pursuant to the Board's applicable paid leave policy during the period of otherwise unpaid leave. If an employee requests leave for a reason covered by both N.J.S.A. 34:11C-1 et seq. and the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) or the Federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. § 2601 et seq.), the leave will count simultaneously against the employee's entitlement under each respective law.

Leave granted under N.J.S.A. 34:11C-1 et seq. and this Policy will not conflict with any rights pursuant to the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), or the Federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. § 2601 et seq.).

Prior to taking this leave an employee will, if the necessity for the leave is foreseeable, provide the Superintendent with written notice of the need for the leave. The notice will be provided as far in advance as is reasonable and practical under the circumstances.

Nothing contained in N.J.S.A. 34:11C-1 et seq. and this Policy will be construed to prohibit the Superintendent from requiring that a period of this leave be supported by the employee with documentation of the domestic violence or a sexually violent offense which is the basis for the leave. If documentation is required, the employee will be regarded as having provided sufficient documentation if the employee provides one or more of the following:

1. A domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
2. A letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or a sexually violent offense;
3. Documentation of the conviction of a person for the domestic violence or a sexually violent offense;
4. Medical documentation of the domestic violence or a sexually violent offense;
5. Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center, stating that the employee or employee's child, parent, spouse, domestic partner, or civil union partner is a victim of domestic violence or a sexually violent offense; or
6. Other documentation or certification of the domestic violence or a sexually violent offense provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the employee or employee's child, parent, spouse, domestic partner, or civil union partner in dealing with the domestic violence or a sexually violent offenses.

For the purposes of N.J.S.A. 34:11C-1 et seq. and this Policy, "Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist



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established by the New Jersey Association of Domestic Violence Professionals; and “designated domestic violence agency” means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.

For the purposes of N.J.S.A. 34:11C-1 et seq. and this Policy, “Rape Crisis Center” means an office, institution, or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information, and follow-up counseling.

The Board will display conspicuous notice of its employees’ rights and obligations pursuant to the provisions of N.J.S.A. 34:11C-1 et seq., in such form and in such manner as the Commissioner of Labor and Workforce Development will prescribe, and use other appropriate means to keep its employees so informed.

No provision of N.J.S.A. 34:11C-1 et seq. and this Policy will be construed as requiring or permitting the Board to reduce employment benefits provided by the Board or required by a collective bargaining agreement which are in excess of those required by N.J.S.A. 34:11C-1 et seq. Nor will any provision of N.J.S.A. 34:11C-1 et seq. be construed to prohibit the negotiation and provision through collective bargaining agreements of leave policies or benefit programs which provide benefits in excess of those required by N.J.S.A. 34:11C-1 et seq. This provision will apply irrespective of the date that a collective bargaining agreement takes effect.

Nothing contained in N.J.S.A. 34:11C-1 et seq. and this Policy will be construed as permitting the Board to:

1. Rescind or reduce any employment benefit accrued prior to the date on which the leave taken pursuant to N.J.S.A. 34:11C-1 et seq. commenced; or
2. Rescind or reduce any employment benefit, unless the rescission or reduction of the benefit is based on changes that would have occurred if an employee continued to work without taking the leave provided pursuant to N.J.S.A. 34:11C-1 et seq.

All information and/or documentation provided to the Board or Superintendent pursuant to N.J.S.A. 34:11C-1 et seq., any information regarding a leave taken pursuant to N.J.S.A. 34:11C-1 et seq., and any failure of an employee to return to work, will be retained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is required by a Federal or State law, rule, or regulation.

The Board of Education will not discharge, harass or otherwise discriminate or retaliate or threaten to discharge, harass or otherwise discriminate or retaliate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave to which the employee was entitled pursuant to N.J.S.A. 34:11C-3 or on the basis



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that the employee refused to authorize the release of information deemed confidential pursuant to N.J.S.A. 34:11C-3.f.

### Legal Reference

N.J.S.A. 34:11C-1 et seq.

Adopted: July 22, 2014



### **1613 – Disclosure and Review of an Applicant’s Employment History (M)**

A school district, charter school, nonpublic school, or contracted service provider holding a contract with a school district, charter school, or nonpublic school (hiring entity) will not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students unless the hiring entity complies with the requirements of N.J.S.A. 18A:6-7.6 et seq. and as outlined in Policy and Regulation 1613.

An applicant the hiring entity seeks to offer employment to and will fill a position which involves regular contact with students will be required to provide their employment history pursuant to N.J.S.A. 18A:6-7.7.a.(1). The applicant will also provide written authorization that consents to and authorizes the disclosure of information regarding the applicant’s employment history and the release of related records by the applicant’s current or employer(s) regarding child abuse and/or sexual misconduct pursuant to N.J.S.A. 18A:6-7.7.a.(2). The applicant will also provide a written statement as to whether the applicant has any employment history regarding child abuse or sexual misconduct pursuant to N.J.S.A. 18A:6-7.7.a.(3).

A hiring entity will review an applicant’s employment history as required in N.J.S.A. 18A:6-7.7.b. and if the hiring entity determines to continue the applicant’s employment application process, the hiring entity will contact those employers listed by the applicant and request confirmation of the information provided by the applicant pursuant to N.J.S.A. 18A:6-7.7.a.

Upon the hiring entity receiving and reviewing the information disclosed by the applicant’s current and/or former employer(s), and finding an affirmative response to any of the inquiries required in N.J.S.A. 18A:7.7.b.(2), and if the hiring entity determines to continue with the applicant’s job application process, the hiring entity will make further inquiries of the applicant’s current or former employer(s) to ascertain additional details regarding the information disclosed.

The failure of an employer to provide the information requested by the hiring entity pursuant to N.J.S.A. 18A:6-7.7.b. within a twenty-day timeframe may be grounds for the automatic disqualification of an applicant from employment with a hiring entity in accordance with N.J.S.A. 18A:6-7.9.c.

In accordance with the provisions of N.J.S.A. 18A:6-7.9.c., a hiring entity will not be liable for any claims brought by an applicant who is not offered employment or whose employment is terminated because of any information received or due to the inability to conduct a full review of the applicant’s employment history pursuant to N.J.S.A. 18A:6-7.7.

In accordance with the provisions of N.J.S.A. 18A:6-7.9.d., a hiring entity will have the right to immediately terminate an individual’s employment or rescind an offer of employment if the applicant is offered employment or commences employment following June 1, 2018 and information regarding the applicant’s history of sexual misconduct or child abuse is subsequently discovered or obtained by the employer that the employer determines disqualifies the applicant or employee from employment under N.J.S.A. 18A:6-7.6 et seq. The termination of employment pursuant to N.J.S.A. 18A:6-7.9 will not be



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subject to any grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule, or regulation.

A hiring entity may employ or contract with an applicant on a provisional basis for a period not to exceed ninety days pending review of information received pursuant to N.J.S.A. 18A:6-7.7.b. provided the conditions outlined in N.J.S.A. 18A:6-7.10.b. are satisfied.

All requests for information sent to this school district, charter school, or nonpublic school from a hiring entity regarding a current or former employee in accordance N.J.S.A. 18A:6-7.6 et seq. will be directed to the Superintendent or designee. The Superintendent (or designee) will review the request for information and confirm the applicant's employment relationship and ensure the written authorization is in compliance with N.J.S.A. 18A:6-7.7.a.(2) prior to the release of information requested and the release of related records in accordance with N.J.S.A. 18A:6-7.6 et seq.

On or after June 1, 2018, a hiring entity may not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that is prohibited as outlined in N.J.S.A. 18A:6-7.12. Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended, or entered into after June 1, 2018 and that is contrary to N.J.S.A. 18A:6-7.6 et seq. will be void and unenforceable.

Pursuant to N.J.S.A. 18A:6-7.11, information received by a school district, charter school, or nonpublic school under Policy and Regulation 1613 and N.J.S.A. 18A:6-7.6 et seq. will not be deemed a public record under N.J.S.A. 47:1A-1 et seq. or the common law concerning access to public records. A school district, charter school, or nonpublic school that provides information or records about a current or former employee or applicant will be immune from criminal and civil liability for the disclosure of the information, unless the information or records provided were knowingly false.

### Legal References

N.J.S.A. 18A:6-7.6; 18A:6-7.7; 18A:6-7.8; 18A:6-7.9; 18A:6-7.10; 18A:6-7.11;  
18A:6-7.12; 18A:6-7.13

New Jersey Department of Education Guidance and Resources to Assist with Pre-Employment Requirements of P.L. 2018, c.5. - June 25, 2018

Adopted: September 11, 2018



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### **R1613 – Disclosure and Review of an Applicant’s Employment History (M)**

A school district, charter school, nonpublic school, or contracted service provider holding a contract with a school district, charter school, or nonpublic school will not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students and is offered employment or commences employment following June 1, 2018 unless the school district, charter school, nonpublic school, or contracted service provider complies with the requirements of N.J.S.A. 18A:6-7.6 et seq. as outlined in Policy and Regulation 1613.

#### **A. Definitions (N.J.S.A. 18A:6-7.6 et seq.)**

For the purposes of this Policy and Regulation:

1. “Applicant” means any person considered for employment or offered employment for pay or contract for the paid services of any person serving in a position which involves regular contact with students.
2. “Child abuse” means any conduct that falls under the purview and reporting requirements of N.J.S.A. 9:6-8.8 et seq. and is directed toward or against a child or student, regardless of the age of the child or student.
3. “Disclosure Information Request Form” will be the State of New Jersey Sexual Misconduct/Child Abuse Disclosure Information Request, P.L. 2018, Chapter 5 or a similar form developed by the hiring entity.
4. “Disclosure Release Form” will be the State of New Jersey Sexual Misconduct/Child Abuse Disclosure Release, P.L. 2018, Chapter 5 or a similar form developed by the hiring entity.
5. “Hiring entity” means all school entities including school districts, charter schools, nonpublic schools, or contracted service providers holding a contract with a school district, charter school, or nonpublic school.
6. “Sexual misconduct” means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.

#### **B. Hiring Entity Required Application and Review Process (N.J.S.A. 18A:6-7.7)**

1. A hiring entity will not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students unless the hiring entity complies with the provisions of N.J.S.A. 18A:6-7.6 et seq.



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- b. The hiring entity will require an applicant to provide a Disclosure Release Form which must include the following information:
  - (1) A list, including name, address, telephone number, and other relevant contact information of the applicant's:
    - (a) Current employer;
    - (b) All former employers within the last twenty years that were schools; and
    - (c) All former employers within the last twenty years where the applicant was employed in a position that involved direct contact with children; and
  - (2) A written authorization that consents to and authorizes disclosure of the information requested under b. below pursuant to N.J.S.A. 18A:6-7.7.a.(2) and the release of related records by the applicant's employers listed under B.1.a.(1) above, and that releases those employers from liability that may arise from the disclosure or release of records;
  - (3) A written statement as to whether the applicant:
    - (a) Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, unless the investigation resulted in a finding the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
    - (b) Has ever been disciplined, discharged, non-renewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
    - (c) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.
  - (4) The hiring entity must comply with the requirements of N.J.S.A. 18A:6-7.6 et seq. for every applicant who will be employed by the hiring entity.
    - (a) However, the provisions of N.J.S.A. 18A:6-7.6 et seq. may be required by the hiring entity for any applicant.
- c. The Superintendent (or designee) of the hiring entity will review the applicant's Disclosure Release Form. Upon determining to continue the application process, the Superintendent (or designee) will provide the applicant's Disclosure Release Form to all employers listed



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by the applicant under the provisions of N.J.S.A. 18A:6-7.7.a.(1) and B.1.a.(1) above and provide all employers listed with the applicant's written authorization that consents to and authorizes disclosure in accordance with N.J.S.A. 18A:6-7.7.a.(2) and B.1.a.(2) and request the following information:

- (1) The dates of employment of the applicant; and
- (2) A statement as to whether the applicant:
  - (a) Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, unless the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
  - (b) Was disciplined, discharged, non-renewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
  - (c) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.
- d. The review of the applicant's employment history may be conducted through telephonic, electronic, or written communications in accordance with N.J.S.A. 18A:6-7.7.
  - (1) If the review is conducted by telephone, the results of the review will be documented in writing by the Superintendent (or designee) responsible for reviewing the applicant's employment history. The Superintendent (or designee) may use the Disclosure Release Form to complete this review.
2. After reviewing the information disclosed by an employer under B.1.b. above and finding an affirmative response to any of the inquiries listed and if the Superintendent (or designee) of the hiring entity determines to continue with the applicant's job application process, the Superintendent (or designee) will make further inquiries of the applicant's current and/or former employer(s) to ascertain additional details regarding the matter disclosed pursuant to N.J.S.A. 18A:6-7.10.
  - a. The Superintendent (or designee) will make these additional inquiries by requesting the current and/or former employer to complete the Disclosure Information Request Form and attach additional information, including the initial complaint and final report, if any, regarding the incident of child abuse or sexual misconduct.



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- b. The Superintendent, upon receiving and reviewing the additional information disclosed in accordance with B.2.a. above, will make a determination to continue with the applicant’s job application process.
  3. All employment history documentation for each applicant employed by the hiring entity in accordance with N.J.S.A. 18A:6-7.6 et seq. will be maintained in the employee’s personnel file. All employment history documentation for an applicant not hired will be maintained by the Superintendent (or designee) and destroyed in accordance with the New Jersey Department of Revenue – Records Management Services Records Retention and Disposition Schedule.
  4. Employment history review pursuant to N.J.S.A. 18A:6-7.6 et seq. is not required for applicants the hiring entity does not wish to employ.
  5. The hiring entity, in accordance with N.J.S.A. 18A:6-7.9.b., in conducting the review of the employment history of an out-of-State applicant, will make, and document with specificity, diligent efforts to:
    - a. Verify the information provided by the applicant pursuant to N.J.S.A. 18A:6-7.7.a. and B.1.a. above; and
    - b. Obtain from any out-of-State employers listed by the applicant the information requested pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above.
- C. Completing a Disclosure Request from a Hiring Entity Regarding a Current or Former Employee (N.J.S.A. 18A:6-7.9)**
  1. All requests for information from a hiring entity regarding a current or former employee of this school district, charter school, or nonpublic school in accordance N.J.S.A. 18A:6-7.6 et seq. will be directed to the Superintendent (or designee).
    - a. The Superintendent (or designee), upon receiving a request from a hiring entity for information, will provide the information requested in accordance with N.J.S.A. 18A:6-7.6 et seq. to the hiring entity submitting the request if:
      - (1) The employment relationship is confirmed pursuant to N.J.S.A. 18A:6-7.7.a.(1) and B.1.a.(1) above; and
      - (2) The written authorization is in compliance with N.J.S.A. 18A:6-7.7.a.(2) and B.1.a.(2) above.
    - b. At the discretion of the Superintendent, the requested information may be provided through telephonic, electronic, or written communications, pursuant to N.J.S.A. 18A:6-7.7 and B.1.c. above.
  2. In the event a hiring entity requests additional information from this school district, charter school, or nonpublic school beyond a response to the questions as outlined in N.J.S.A. 18A:6-7.7.b. and B.1.b. above, the Superintendent (or designee) will review the written request and will make a determination as to the additional information and/or documentation to be provided to the hiring entity. Any request for additional information and/or documentation must be submitted by the



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hiring entity in writing to the Superintendent (or designee) before providing any additional information and/or documentation.

- a. Upon providing such additional information and/or documentation, the Superintendent (or designee) will take every measure to ensure privacy and confidentiality, consistent with State and Federal laws and regulations regarding student privacy and the privacy rights of others.
  - b. Any personally identifiable information regarding any student or other individual other than the applicant’s personally identifiable information will be redacted prior to the release of any additional information.
  - c. The requested additional information should be provided to the hiring entity within twenty days, as required by statute.
3. A copy of all requests for information and any information provided to a hiring entity, in accordance with the provisions of Policy and Regulation 1613 and N.J.S.A. 18A:6-7.6 et seq., will be maintained by the Superintendent (or designee) in the applicant’s personnel file and will only be destroyed in accordance with the New Jersey Department of Revenue – Records Management Services Records Retention and Disposition Schedule.

### **D. Timeline for Current or Prior Employers to Disclose Information (N.J.S.A. 18A:6-7.9)**

1. No later than twenty days after receiving a request for information under N.J.S.A. 18A:6-7.7.b. and B.1.b. above, an employer that has or had an employment relationship within the last twenty years with the applicant will disclose the information requested pursuant to N.J.S.A. 18A:6-7.6 et seq.
2. The failure of an employer to provide the information requested pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above within the twenty day timeframe established under N.J.S.A. 18A:6-7.9.a. and D.1. above may be grounds for the automatic disqualification of an applicant from employment with a hiring entity. A hiring entity will not be liable for any claims brought by an applicant who is not offered employment or whose employment is terminated:
  - a. Because of any information received by the hiring entity from an employer pursuant to N.J.S.A. 18A:6-7.7 and B. above; or
  - b. Due to the inability of the hiring entity to conduct a full review of the applicant’s employment history pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above.

### **E. Provisional Employment (N.J.S.A. 18A:6-7.10)**

A hiring entity may employ or contract with an applicant on a provisional basis for a period not to exceed ninety days pending review by the hiring entity of information received pursuant to N.J.S.A. 18A:6-7.7 and B. above, provided that all of the following conditions are satisfied:

1. The applicant has complied with N.J.S.A. 18A:6-7.7.a. and B.1.a. above;



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2. The hiring entity has no knowledge or information pertaining to the applicant that the applicant is required to disclose pursuant to N.J.S.A 18A:6-7.7.a.(3) and B.1.a.(3); and
3. The hiring entity determines that special or emergent circumstances exist that justify the temporary employment of the applicant.

### F. Penalties to Applicants (N.J.S.A. 18A:6-7.8)

1. An applicant who willfully provides false information or willfully fails to disclose information required in N.J.S.A. 18A:6-7.7.a. and B.1.a. above:  
Will be subject to discipline up to, and including, termination or denial of employment;  
May be deemed in violation of subsection a. of N.J.S.A. 2C:28-3; and  
May be subject to a civil penalty of not more than \$500 which will be collected in proceedings in accordance with the “Penalty Enforcement Law of 1999,” P.L. 1999, c.274 (N.J.S.A. 2A:58-10 et seq.).
2. A hiring entity will include a notification of the penalties set forth in N.J.S.A. 18A:6-7.8 and F.1. above on all applications for employment for positions which involve regular contact with students.

### G. Termination (N.J.S.A. 18A:6-7.9.d.)

1. A hiring entity will have the right to immediately terminate an individual’s employment or rescind an offer of employment if:
  - a. The applicant is offered employment or commences employment with the hiring entity following June 1, 2018; and
  - b. Information regarding the applicant’s history of sexual misconduct or child abuse is subsequently discovered or obtained by the hiring entity that the hiring entity determines disqualifies the applicant or employee from employment.
2. The termination of employment pursuant to the provisions outlined in G.1. above and pursuant to N.J.S.A. 18A:6-7.9 will not be subject to any grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule, or regulation.

### H. Information Not Deemed Public Record and Immunity (N.J.S.A. 18A:6-7.11)

1. Information received by an employer in accordance with Policy and Regulation 1613 and N.J.S.A. 18A:6-7.6 et seq. will not be deemed a public record under N.J.S.A. 47:1A-1 et seq. or the common law concerning access to public records.
2. An employer, school district, charter school, nonpublic school, school administrator, or contracted service provider that provides information or records about a current or former employee or applicant will be immune from criminal and civil liability for the disclosure of the information, unless the information or records provided were knowingly false. The immunity will be in addition to and not in limitation of any other immunity provided by law.



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### **I. Prohibited Actions Relative to Certain Agreements and Employment Contracts (N.J.S.A. 18A:6-7.12)**

1. On or after June 1, 2018, a school district, charter school, nonpublic school, or contracted service provider may not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:
  - a. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
  - b. Affects the ability of a school district, charter school, nonpublic school, or contracted service provider to report suspected child abuse or sexual misconduct to the appropriate authorities; or
  - c. Requires the school district, charter school, nonpublic school, or contracted service provider to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the school district, charter school, nonpublic school, or contracted service provider, unless after investigation the allegations are found to be false or the alleged incident of child abuse or sexual misconduct has not been substantiated.
2. Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended, or entered into after June 1, 2018 and that is contrary to N.J.S.A. 18A:6-7.12 will be void and unenforceable.

### **J. Public Awareness Campaign (N.J.S.A. 18A:7.13)**

1. The New Jersey Department of Education (NJDOE) will establish a public awareness campaign to publicize the provisions of N.J.S.A. 18A:6-7.6 et seq. and to ensure applicants and employers are aware of their respective rights and responsibilities under N.J.S.A. 18A:6-7.6 et seq. The NJDOE will post on its website guidance documents and any other informational materials that may assist applicants and employers in the implementation of and compliance with N.J.S.A. 18A:6-7.6 et seq.
2. The NJDOE developed forms for applicants and employers may be used to comply with the requirements of Policy and Regulation 1613 and N.J.S.A. 18A:6-7.7, as well as any other forms necessary to carry out the provisions of N.J.S.A. 18A:6-7.6 et seq.

Adopted: September 11, 2018



### **1620 – Administrative Employment Contracts**

The Executive County Superintendent shall review and approve for all Superintendents of Schools, Superintendents of Schools reappointed pursuant to N.J.S.A. 18A:17-20.1, Deputy Superintendents of Schools, Assistant Superintendents of Schools, and School Business Administrators, including any interim, acting, or person otherwise serving in these positions, in school districts, county vocational school districts, county special services school districts and other districts, except charters, within the County under the supervision of the Executive County Superintendent:

1. New employment contracts, including contracts that replace expired contracts for existing tenured and non-tenured employees;
2. Renegotiations, extensions, amendments, or other alterations of the terms of existing employment contracts that have been previously approved by the Executive County Superintendent; and
3. 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, an Executive County Superintendent from another county shall be designated by the Commissioner to review and approve all contracts listed above.

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 of Education approval and execution of the contract 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.

In accordance with the provisions of N.J.S.A. 18A:11-11 and N.J.A.C. 6A:23A-3.1(c)1, the public notice and public hearing required shall be applicable to a Board of Education that renegotiates, extends, amends, or otherwise alters the terms of an existing contract with a Superintendent of Schools, Deputy Superintendent of Schools, Assistant Superintendent of Schools, or School Business Administrator. In accordance with N.J.S.A. 18A:11-11, notice must be provided to the public at least thirty days prior to the scheduled action by the Board. The Board shall also hold a public hearing and shall not take any action on the matter until the hearing has been held. The Board shall provide the public with at least ten days' notice of the public hearing.

In accordance with N.J.A.C. 6A:23A-3.1(c)1, the public notice and public hearing required pursuant to N.J.S.A. 18A:11-11 shall not apply to new contracts, including contracts that replace expired contracts for existing employees in one of these positions, whether tenured or not tenured. Nothing shall preclude



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a Board from issuing a public notice and/or holding a public hearing on new contracts, including new contracts that replace expired contracts for existing tenured and non-tenured employees.

The public notice and public hearing required pursuant to N.J.S.A. 18A:11-11 is also required in the event an existing contract for a Superintendent of Schools, Deputy Superintendent of Schools, Assistant Superintendent of Schools, or School Business Administrator is rescinded or terminated by the Board of Education before it is due to expire and the parties agree to new employment terms.

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.

The review and approval of the employment contracts of Superintendents of Schools, Deputy Superintendents of Schools, Assistant Superintendents of Schools, and School Business Administrators conducted by the Executive County Superintendent shall be consistent with the following additional standards outlined in N.J.S.A. 18A:7-8.1 and N.J.A.C. 6A:23A-3.1:

1. 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.
2. No contract shall include provisions that are inconsistent with the travel requirements pursuant to N.J.S.A. 18A:11-12 and N.J.A.C. 6A:23A-7 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.
3. 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 school 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 costs.
4. 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 pro-ration for partial years, not to exceed twelve months, or the remaining salary amount due under the contract.



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5. 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.
6. 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 of Education contract may include credit of unused sick leave in accordance with the new Board of Education's policy on sick leave credit for all employees.
7. 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.
8. Contractual provisions that include a calculation of per diem for twelve month employees shall be based on a two hundred sixty day work year.
9. No provision for a merit bonus shall be made except where payment is contingent upon achievement of quantitative merit criterion and/or qualitative merit criterion:
  - a. A contract may include no more than three quantitative merit criteria and two qualitative merit criteria per contract year.
  - b. The Executive County Superintendent shall approve or disapprove the selection of quantitative merit and qualitative merit criteria and the data that forms the basis of measuring the achievement of quantitative merit and qualitative merit criteria.
  - c. A contract may provide for merit bonuses in an amount not exceeding 3.33 percent of annual salary for each quantitative merit criterion achieved and 2.5 percent of



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annual salary for each qualitative merit criterion achieved. Any such merit bonus shall be considered "extra compensation" for purpose of N.J.A.C. 17:3-4.1 and shall not be cumulative.

- d. The Board of Education shall submit to the Executive County Superintendent a resolution certifying that a quantitative merit criterion or a qualitative merit criterion has been satisfied and shall await confirmation of the satisfaction of that criterion from the Executive County Superintendent prior to payment of any merit bonus.
10. 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 of Education.
11. No provision for payment at the time of separation or retirement shall be made for work not performed except as otherwise authorized in N.J.A.C. 6A:23A-3.1 and N.J.S.A. 18A:7-8.1.
12. No contract shall include a provision for a monthly allowance except for a reasonable car allowance. A reasonable car allowance shall not 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 New Jersey Office of Management and Budget (NJOMB) circulars. If such allowance is included, the employee shall not 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 shall include a provision of a dedicated driver or chauffeur.
13. All Superintendent contracts shall include the required provision pursuant to N.J.S.A. 18A:17-15.1 which states that in the event the Superintendent's certificate is revoked, the contract is null and void.
14. No contract shall include a provision for additional compensation upon the acquisition of a graduate degree unless the graduate degree is conferred by a regionally accredited college or university as defined in applicable regulations. No contract shall include a provision for assistance, tuition reimbursement, or additional compensation for graduate school coursework, unless the coursework culminates in the acquisition of a graduate



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degree conferred by a regionally accredited college or university as defined in applicable regulations.

The review and approval of an employment contract for the Superintendent of Schools shall not include maximum salary amounts pursuant to N.J.S.A. 18A:7-8.j.

Any actions by the Executive County Superintendent undertaken pursuant to N.J.S.A. 18A:7-8.1, N.J.A.C. 6A:23A-3.1, and this Policy may be appealed to the Commissioner of Education pursuant to the procedures set forth at N.J.A.C. 6A:3, Controversies and Disputes.

N.J.S.A. 18A:7-8; 18A:7-8.1; 18A:11-11  
N.J.A.C. 6A:23A-3.1; 6A:23A-7 et seq.

### Legal References

N.J.A.C. 6A:23A-3.1; 6A:23A-7 et seq.

Adopted: August 18, 2009  
Revised: April 13, 2010  
Revised: December 8, 2020



### **1648 - RESTART AND RECOVERY PLAN**

On June 26, 2020, the New Jersey Department of Education (NJDOE) published “The Road Back - Restart and Recovery Plan for Education” (Guidance), a guidance document for reopening New Jersey schools during the COVID-19 pandemic. The Guidance provided school officials with the information necessary to ensure that schools reopen safely and are prepared to accommodate staff and students’ unique needs during these unprecedented times. The NJDOE required school districts in the State to develop, in collaboration with community stakeholders, a “Restart and Recovery Plan” (Plan) to reopen schools that best fits the district’s local needs.

The Guidance requires the Board of Education to adopt certain policies and the Board adopts Policy 1648 to address those policy requirements in the Guidance. Policy 1648 shall only be effective through the current COVID-19 pandemic and will take precedence over any existing Policy on the same or similar subject, unless determined otherwise by the Superintendent.

#### A. NJDOE Guidance – Key Subject Area 1 – Conditions for Learning

##### 1. Transportation

- a. If the school district is providing transportation services on a district-owned school bus, but is unable to maintain social distancing, a face covering must be worn upon entering the school bus by all students who are able to do so in accordance with A.2.c. below.
  - (1) Accommodations for students who are unable to wear a face covering should be addressed according to that student's particular need and in accordance with all applicable laws and regulations.
- b. The school district shall use best practices for cleaning and disinfecting district-owned school buses and other transportation vehicles in accordance with A.3. below.
- c. District-employed school bus drivers and aides on district-owned school buses shall practice all safety actions and protocols as indicated for other school staff.



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- d. If the school district is using contracted transportation services, the contractor shall ensure all Board of Education safety actions and protocols are followed by the contractor and its employees and/or its agents.

[See Policy Guide 1648 – Appendix C for the protocols/procedures for “Transportation” which is also included in the school district’s Restart and Recovery Plan.]

### 2. Screening, Personal Protective Equipment (PPE), and Response to Students and Staff Presenting Symptoms

- a. The school district shall screen students and employees upon arrival to a school building or work location for COVID-19 symptoms and a history of exposure.
  - (1) School staff must visually check students and employees for symptoms upon arrival (which may include temperature checks) and/or confirm with families that students are free of COVID-19 symptoms.
  - (2) Health checks must be conducted safely and respectfully, and in accordance with any applicable privacy laws and regulations.
  - (3) Results must be documented when signs/symptoms of COVID-19 are observed.
  - (4) The screening protocol will take into account students and employees with disabilities and accommodations that may be needed in the screening process for those students and employees.
  - (5) Students and employees with symptoms related to COVID-19 must be safely and respectfully isolated from others.
  - (6) If the school district becomes aware that an individual who has spent time in a school district facility tests positive for COVID-19, district officials must immediately notify local health officials, staff, and families of a confirmed case while maintaining confidentiality.



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- b. School staff and visitors are required to wear face coverings unless doing so would inhibit the individual's health or the individual is under two years of age.
  - (1) If a visitor refuses to wear a face covering for non-medical reasons and if such covering cannot be provided to the individual at the point of entry, the visitor's entry to the school/district facility may be denied.
- c. Students are strongly encouraged to wear face coverings and are required to do so when social distancing cannot be maintained, unless doing so would inhibit the student's health. It is also necessary to acknowledge that enforcing the use of face coverings may be impractical for young children or individuals with disabilities.
  - (1) Accommodations for students who are unable to wear a face covering should be addressed according to that student's need and in accordance with all applicable laws and regulations.
- d. Exceptions to the Requirement for Face Coverings
  - (1) Doing so would inhibit the individual's health.
  - (2) The individual is in extreme heat outdoors.
  - (3) The individual is in water.
  - (4) A student's documented medical condition, or disability as reflected in an Individualized Education Program (IEP), precludes the use of a face covering.
  - (5) The student is under the age of two and could risk suffocation.

[See Policy Guide 1648 – Appendix E for the protocols/procedures for “Screening, PPE, and Response to Students and Staff Presenting Symptoms” which is also included in the school district’s Restart and Recovery Plan.]

### 3. Facilities Cleaning Practices



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- a. The school district must continue to adhere to existing required facilities cleaning practices and procedures and any new specific requirements of the local health department as they arise.
- b. A procedure manual must be developed to establish cleaning and disinfecting schedules for schools and school equipment, targeted areas to be cleaned, and methods and materials to be used.

[See Policy Guide 1648 – Appendix G for the protocols/procedures for – “Facilities Cleaning Practices” which is also included in the school district’s Restart and Recovery Plan.]

#### 4. Wraparound Supports

##### a. Mental Health Supports

The school district’s approach to student mental health supports will be affected by the learning environment in place at the beginning of the school year. If in-person instruction is not feasible, the district must find other ways to assess and monitor students’ mental health.

[See Policy Guide 1648 – Appendix K for the protocols/procedures for “Academic, Social, and Behavioral Supports” which is also included in the school district’s Restart and Recovery Plan.]

#### 5. Contact Tracing

- a. Upon notification that a resident has tested positive for COVID-19, the local health department will call the school district to determine close contacts to whom they may have spread the virus, where close contact is defined as being within six feet for a period of at least ten minutes.
- b. The school district shall assist the local health department in conducting contact tracing activities, including ongoing communication with the identified individual and/or their contacts.



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- c. The school district shall ensure adequate information and training is provided to the staff as necessary to enable staff to carry out responsibilities assigned to them.
- d. A staff liaison(s) shall be designated by the Superintendent or designee and shall be responsible for providing notifications and carrying out other components that could help ensure notifications are carried out in a prompt and responsible manner.
- e. School districts shall allow staff, students, and families to self-report symptoms and/or suspected exposure.

[See Policy Guide 1648 – Appendix F for the protocols/procedures for “Contact Tracing” which is also included in the school district’s Restart and Recovery Plan.]

### B. NJDOE Guidance – Key Subject Area 2 – Leadership and Planning

#### 1. Scheduling

- a. The school district’s Plan must account for resuming in-person instruction and shall provide steps to shift back to virtual learning models if circumstances change and in-person instruction guidelines can no longer be followed.
- b. The school district’s Plan accommodates opportunities for both synchronous and asynchronous instruction, while ensuring requirements for a 180-day school year are met.
- c. The school district recognizes special populations will require unique considerations to ensure the continuity of learning as well as the health and safety of students and staff within the least restrictive environment.

#### (1) Special Education and English Language Learners (ELL)

- (a) The school district shall provide educators with professional development to best utilize the accessibility features and accommodations tools made available through technology-based formats in accordance with this Policy.



- (b) The school district shall continue to ensure students receive individualized supports that meet the requirements of the IEP and 504 Plans.

[See Policy Guide 1648 – Appendix N for the protocols/procedures for “Scheduling of Students” which is also included in the school district’s Restart and Recovery Plan.]

## 2. Staffing

- a. The school district shall comply with all applicable employment laws when making staffing and scheduling requirements, including, but not limited to, the Americans Disabilities Act (ADA), the Health Insurance Portability and Accountability Act (HIPPA), and all applicable State laws.
- b. As the school district adjusts schedules, teaching staff members must maintain quality instruction for students pursuant to the minimum requirements set forth in NJDOE regulation.

[See Policy Guide 1648 – Appendix O for the protocols/procedures for “Staffing” which is also included in the school district’s Restart and Recovery Plan.]

## C. NJDOE Guidance – Key Subject Area 3 – Policy and Funding

### 1. School Funding

#### a. Purchasing

The school district may likely need to purchase items not needed in the past and may experience increased demand for previously purchased goods and services to implement the Plan. The school district shall continue to comply with the provisions of the “Public School Contracts Law”, N.J.S.A. 18A:18A-1 et seq.

#### b. Use of Reserve Accounts, Transfers, and Cashflow



The school district shall apply for the approval from the Commissioner of Education, prior to performing certain budget actions, such as withdrawing from the emergency reserve account or making transfers that cumulatively exceed ten percent of the amount originally budgeted.

c. Costs and Contracting

The school district shall follow all New Jersey State laws and regulations applicable to local school districts for purchasing when procuring devices and connectivity or any technology related item.

D. NJDOE Guidance – Key Subject Area 4 – Continuity of Learning

1. Ensuring the Delivery of Special Education and Related Services to Students with Disabilities

a. The school district shall continue to meet their obligations to students with disabilities to the greatest extent possible.

2. Professional Learning

a. The school district shall prepare and support teaching staff members in meeting the social, emotional, health, and academic needs of all students throughout the implementation of the Plan.

(1) Professional Learning

(a) The school district shall grow each teaching staff member's professional capacity to deliver developmentally appropriate standards-based instruction remotely.

(2) Mentoring and Induction

(a) The school district shall ensure:

(i) All novice provisional teachers new to the district be provided induction;



- (ii) One-to-one mentoring is provided to novice provisional teachers by qualified mentors;
- (iii) Mentors can provide sufficient support and guidance to novice provisional teachers working in a remote environment;
- (iv) Mentoring is provided in both hybrid and fully remote learning environments and that mentors and provisional teachers will agree upon scheduling, structure, and communication strategies they will use to maintain the mentoring experience; and
- (v) The use of online collaborative tools for school staff to remain connected to other mentors, new teachers, and administrators to maintain a sense of communal support.

### (3) Evaluation

- (a) The school district has considered the requirements and best practices with provisional status teachers, nontenured educators, and those on Corrective Action Plans (including extra observations, extra observers, assuring more frequent feedback and face-to-face).

### 3. Career and Technical Education (CTE)

- a. The school district shall implement innovative learning models for new learning environments regarding CTE.
- b. Quality CTE Programs

The school district shall ensure students have access to appropriate industry-recognized, high-value credentials.



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c. Work-Based Learning

The school district will ensure students are provided the opportunity to participate in safe work-based learning, either remotely (simulations, virtual tours, etc.) or in-person.

New Jersey Department of Education “The Road Back – Restart and Recovery Plan for Education”

Adopted: July 28, 2020

### Appendices

The school district must attach Appendices C, E, F, G, K, N, and O from the district’s Restart and Recovery Plan here as required by this Policy 1648.



### **1648.02 - REMOTE LEARNING OPTIONS FOR FAMILIES**

On July 24, 2020, the New Jersey Governor and the Commissioner of Education published a supplemental guidance document titled “Clarifying Expectations Regarding Fulltime Remote Learning Options for Families 2020-2021” as a result of the COVID-19 pandemic. This supplemental guidance includes an additional “anticipated minimum standard,” as this phrase is used throughout “The Road Back: Restart and Recovery Plan for Education” (NJDOE Guidance). This additional “anticipated minimum standard” provides that, in addition to the methods and considerations explicitly referenced in the NJDOE Guidance for scheduling students for in-person, remote, or hybrid learning, families/guardians (hereinafter referred to as “parents”) may submit, and school districts shall accommodate, requests for full-time remote learning.

Requests for full-time remote learning may include any service or combination of services that would otherwise be delivered to students on an in-person schedule, which may be a hybrid schedule, such as instruction, behavioral and support services, special education, and related services. A parent may request some services be delivered entirely remotely, while other services follow the same schedule they otherwise would according to the provisions in the school district’s Restart and Recovery Plan (Plan) and Policy 1648.

A parent may contact the Principal or designee of the building the student would attend with any questions on: a request to transition from in-person services to full-time remote learning; a request to transition from full-time remote learning to in-person services; the procedures of this Policy; and/or any other information regarding the school district’s Plan and Policy 1648.

To ensure clarity and consistency in implementation of full-time remote learning, the Board of Education adopts this Policy that addresses the following:

- A. Unconditional Eligibility for Full-time Remote Learning
  - 1. All students are eligible for full-time remote learning.
    - a. Eligibility for full-time remote learning cannot be conditioned on a parent demonstrating a risk of illness or other selective criteria.
    - b. Unconditional eligibility for full-time remote learning includes students with disabilities who attend in-district schools or receiving schools (county special services school districts, educational services commissions, jointure commissions, Katzenbach School for the Deaf, regional day



schools, college operated programs, and approved private schools for students with disabilities).

### B. Procedures for Submitting Full-time Remote Learning Requests

1. A parent may request a student receive full-time remote learning from the school district by submitting a written request to the Principal of the school building their child would attend. The written request shall be provided to the Principal at least one calendar day (24 hours) before the student is eligible to commence full-time remote learning in accordance with B.2. below.
2. The student may only begin full-time remote learning within one school day after receiving written approval of the Principal or designee.
3. The written request for the student to receive full-time remote learning shall include:
  - a. The student's name, school, and grade;
  - b. The technology the student will be using to receive full-time remote learning, including the student's connectivity capabilities;
  - c. A request for any service or combination of services that would otherwise be delivered to the student on an in-person or hybrid schedule, such as instruction, behavioral and support services, special education, and related services;
  - d. For students with disabilities, the school district staff will determine if an Individualized Education Plan (IEP) meeting or an amendment to a student's IEP is needed for full-time remote learning; and
  - e. Any additional information the Principal or designee requests to ensure the student, when receiving remote learning, will receive the same quality and scope of instruction and other educational services as any other student otherwise participating in school district programs.
    - (1) The documentation required by the school district to be provided in the parent's request for full-time remote learning shall not



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exclude any students from the school district's full-time remote learning option, but rather be limited to the minimum information needed to ensure proper recordkeeping and implementation of successful remote learning.

4. Upon receiving the written request, the Principal or designee may request additional information from the parent to assist the Principal or designee in providing the student the same quality and scope of instruction and other educational services as any other student otherwise participating in school district programs.
5. The Principal or designee will review the written request and upon satisfaction of the procedures outlined in this Policy, the Principal or designee will provide written approval of the parent's request for full-time remote learning.
  - a. In the event the request does not satisfy the procedures outlined in this Policy, the Principal or designee will notify the parent in writing of the issues that need to be addressed by the parent to satisfy the procedures outlined in this Policy.
6. The Principal's written approval of the request shall be provided to the parent within one calendar day of receiving the parent's written request.
  - a. The written approval will include the date the remote learning program will commence for the student in accordance with B.2. above.

### C. Scope and Expectations of Full-Time Remote Learning

1. The scope and expectations of the school district's full-time remote learning program will include, but not be limited to, the following:
  - a. The length of the school day pursuant to N.J.A.C. 6A:32-8.3 and compliance with the Board's Attendance Policy and Regulation 5200; the provisions of the district's remote learning program outlined in the school district's Plan; and any other Board policies and regulations that govern the delivery of services to, and district expectations of, students participating in the remote learning program and their families;
  - b. The technology and the connectivity options to be used and/or provided to the student during remote learning; and



- c. Any additional information the Principal or designee determines is needed to ensure the student, when receiving remote learning, will receive the same quality and scope of instruction and other educational services as any other student otherwise participating in school district programs (i.e. students participating in a hybrid model).
    - (1) This includes, for example, access to standards-based instruction of the same quality and rigor as afforded all other students of the district, the district making its best effort to ensure that every student participating in remote learning has access to the requisite educational technology, and the provision of special education and related services to the greatest extent possible.
  - d. The school district will endeavor to provide supports and resources to assist parents, particularly those of younger students, with meeting the expectations of the school district's remote learning option.
- D. Procedures to Transition from Full-Time Remote Learning to In-Person Services
- 1. A parent may request their student transition from full-time remote learning to in-person services, if in-person services are being provided, by submitting a written request to the Principal of the building the student will attend. This request must be submitted at least fourteen (14) calendar days before the student is eligible for in-person services.
  - 2. A student is only eligible to transition from full-time remote learning to in-person services commencing at the beginning of a marking period. Or within one school days after receiving written approval of the Principal or designee.



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3. The written request from the parent for the student to transition from full-time remote learning to in-person services shall include:
  - a. The student's name, school, and grade;
  - b. The in-person program may only commence for a student transitioning from full-time remote learning to in-person services in accordance with D.2. above; and
  - c. Any additional information the Principal or designee determines would be important on the student's transition from full-time remote learning to in-person services.
4. A student previously approved for remote learning wanting to transition into the school district's in-person program must spend at least the remainder of the current marking period in remote learning before being eligible to transition into the school district's in-person program. The District recognizes hardship due to the pandemic. Upon written request to administration the District will work to accommodate student learning which may include a student switching to the hybrid platform earlier than the start of a marking quarter.
  - a. This will allow parents to make the arrangements needed to effectively serve students' home learning needs and will support educators in ensuring continuity of instruction for the student.
5. The Principal or designee will review the request for compliance with this Policy, and upon satisfaction of the procedures in this Policy, will provide the parent of the student a written approval of the student entering the school district's in-person program.
  - a. In the event the request does not satisfy the procedures outlined in this Policy, the Principal or designee will notify the parent in writing of the issues that need to be addressed by the parent to satisfy the procedures outlined in this Policy.



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6. Upon approval of the student’s transition from full-time remote learning to in-person services, the school district will provide specific student and academic services to better assist parents anticipate their student’s learning needs and help educators maintain continuity of services.
7. School districts that offer Pre-K will consult their Pre-K curriculum providers regarding appropriate measures to assess a Pre-K student’s learning progress during the transition from full-time remote learning to in-person learning.
- E. Reporting
  1. To evaluate full-time remote learning, and to continue providing meaningful guidance for school districts, it will be important for the New Jersey Department to Education (NJDOE) to understand the extent and nature of demand for full-time remote learning around the State.
    - a. The school district will be expected to report to the NJDOE data regarding participation in full-time remote learning. Data will include the number of students participating in full-time remote learning by each of the following subgroups: economically disadvantaged; major racial and ethnic groups; students with disabilities; and English learners.
- F. Procedures for Communicating District Policy with Families
  1. The school district will have clear and frequent communication with parents, in their home language, to help ensure this important flexibility is as readily accessible as possible. Communication must include, at a minimum, information regarding:
    - a. Summaries of, and opportunities to review, the school district’s full-time remote learning Policy/Plan;
    - b. Procedures for submitting full-time remote learning requests in accordance with B. above;
    - c. Scope and expectations of full-time remote learning in accordance with C. above;
    - d. The transition from full-time remote learning to in-person services and vice-versa in accordance with B. and D. above; and



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- e. The school district’s procedures for ongoing communication with families and for addressing families’ questions or concerns.
- G. Home or Out-of-School Instruction
  - 1. No provision of this Policy supersedes the district’s requirements to provide home or out-of-school instruction for the reasons outlined in N.J.S.A. 18A, N.J.A.C. 6A, or any applicable Board policy unless determined otherwise by the Superintendent or designee.

[See the District’s Restart and Recovery Plan – Appendix Q for the protocols/procedures for “Remote Learning Options for Families” which is outlined in the school district’s Restart and Recovery Plan.]

New Jersey Department of Education Guidance Document:  
“Clarifying Expectations Regarding Fulltime Remote Learning  
Options for Families 2020-2021”

Adopted: September 08, 2020



### **1648.03 - Restart and Recovery Plan – Full-Time Remote Instruction**

On June 26, 2020, the New Jersey Department of Education published “The Road Back - Restart and Recovery Plan for Education” (NJDOE Guidance), a guidance document for reopening New Jersey schools during the COVID-19 pandemic. The Guidance, including revisions, provided school officials with the information necessary to ensure that schools reopen safely and are prepared to accommodate staff and students’ unique needs during these unprecedented times. The NJDOE Guidance required school districts to develop, in collaboration with community stakeholders, a “Restart and Recovery Plan” (Plan) to reopen schools that best fit the district’s local needs.

The NJDOE Guidance requires the Board of Education to adopt certain policies and the Board previously adopted Policies 1648 and 1648.02 to address these policy requirements. Board policies related to Covid-19 shall only be effective through the current COVID-19 pandemic and will take precedence over any existing Policy on the same or similar subject, unless determined otherwise by the Superintendent.

On August 13, 2020, the Governor of New Jersey signed Executive Order 175 indicating public school districts shall resume partial or full-time in-person instruction during the fall of school year 2020-2021. However, Executive Order 175 also indicates public school districts that are or become unable to satisfy the health and safety requirements for in-person instruction delineated in the NJDOE’s “Checklist for Re-Opening of School 2020-2021” and detailed in the “The Road Back - Restart and Recovery Plan for Education” Guidance, may provide full-time remote instruction to all students pursuant to N.J.S.A. 18A:7F-9.

Public school districts that determine they cannot provide in-person instruction must submit documentation to the Department of Education that identifies:

1. The school building(s) or grade level(s) within the district that will provide full-time remote instruction;
2. The specific health and safety standards delineated in the NJDOE’s “Checklist for Re-Opening of School 2020-2021,” and detailed in the “The Road Back - Restart and Recovery Plan for Education” Guidance, that the school is unable to satisfy;
3. The school’s anticipated efforts to satisfy the identified health and safety standard(s); and
4. A date by which the school anticipates the resumption of in-person instruction.



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Such documentation must be submitted to the Department of Education at minimum one week prior to the public school district's first day of school.

The NJDOE, by way of the Executive County Superintendent, shall request periodic updates from the Superintendent of Schools of a public school district offering only remote instruction to demonstrate the school district is actively engaged in good-faith efforts toward the resumption of in-person instruction.

All instruction, whether in-person instruction or remote instruction, for the 2020-2021 year, shall adhere to the following requirements, and any other requirements imposed by Order, statute, or regulation:

1. A school day, whether in-person or remote must consist of at least four (4) hours of active instruction to students by an appropriately certified teacher, except that one continuous session of two and one-half hours may be considered a full day in Kindergarten, pursuant to N.J.A.C. 6A:32-8.3.
2. District and school policies for attendance and instructional contact time will need to accommodate opportunities for both synchronous and asynchronous instruction, while ensuring the requirements for a 180-day school year are met pursuant to N.J.S.A. 18A:7F-9.
3. All instructional time shall be provided in accordance with the New Jersey Student Learning Standards (NJSLS).

All public school districts participating in the National School Lunch and Breakfast Programs, regardless of whether they are required to participate or voluntarily opt-in to the programs, must offer the required meals to all children, regardless of eligibility, when the school day involves at least four hours of in-person or remote instruction.

For the 2020-2021 school year, the use of student growth data based on standardized assessment or student growth percentile shall be waived and shall not be used as a measure of educator effectiveness in the overall evaluation of any educator in accordance with N.J.S.A. 18A:6-123(b)(2) and (4).

Paragraph 8 of Executive Order No. 107 (2020), which prohibits in-person dining at certain establishments that are open to the public, shall not apply to school district cafeterias provided that social distancing can be maintained and access is limited to staff and students and not



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available to the general public. Such cafeterias must adhere to infection control practices outlined for dining in the applicable reopening documents issued by the Department of Education.

Executive Order 175 – August 13, 2020

Adopted: August 18, 2020



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### 1649 - Federal Families First Coronavirus (COVID-19) Response Act

The Federal Families First Coronavirus (COVID-19) Response Act (FFCRA) includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) and the Emergency Paid Sick Leave Act (EPSLA). The EFMLEA expands the Federal Family and Medical Leave Act (FMLA) and the EPSLA provides employees with paid sick leave for specified reasons related to COVID-19.

The provisions of the FFCRA shall apply from April 1, 2020 through December 31, 2020.

#### A. Emergency Family and Medical Leave Expansion Act (EFMLEA)

##### 1. Definitions - For the purposes of the EFMLEA:

- a. “Eligible employee” means an employee who has been employed for at least thirty calendar days by the employer with respect to whom leave is requested.
- b. “Employer” means any employer with fewer than five hundred employees.
- c. “Qualifying need related to a public health emergency” means with respect to leave, the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under eighteen years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.
- d. “Public Health Emergency” means an emergency with respect to COVID-19 declared by a Federal, State, or local authority.
- e. “Child care provider” means a provider who receives compensation for providing child care services on a regular basis, including an ‘eligible child care provider’ (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)).
- f. “School” means an ‘elementary school’ or ‘secondary school’ as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).



### 2. Relationship to Paid EFMLEA Leave

The FFCRA includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) that amended the Federal Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq. to provide leave to an eligible employee because of a qualifying need related to a public health emergency with respect to COVID-19 - (U.S.C. 2612(a)(1)(F)).

#### a. Leave for Initial Ten Days

- (1) The first ten days of this FMLA leave for an eligible employee shall be unpaid.
- (2) If the first ten days of this FMLA leave are unpaid, an employee may elect to substitute any accrued vacation leave, personal leave, or emergency paid sick leave provided by the EPSLA for the initial ten days under the EFMLEA in accordance with 29 U.S.C. 2612(d)(2)(B).
- (3) An employee may not use sick leave under N.J.S.A. 18A:30-1 for a qualifying need related to a public health emergency. However, an employee receiving sick leave under the provisions of N.J.S.A. 18A:30-1 may only use sick leave because of personal disability due to illness or injury, or because the employee has been excluded from school by the school district's medical authorities on account of contagious disease or of being quarantined for such a disease in his or her immediate household.

#### b. Paid Leave for Subsequent Days

- (1) An employer shall provide paid leave for each day of leave under the EFMLEA that an employee takes after taking such leave for ten days.
- (2) The paid leave for an employee shall be calculated based on:



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- (a) An amount that is not less than two-thirds of an employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)); and
    - (b) The number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under A.2.(b)(4) below).
  - (3) In no event shall such paid leave exceed \$200.00 per day and \$10,000.00 in the aggregate.
  - (4) Varying Schedule Hours Calculation – In the case of an employee whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken leave under the EFMLEA, the employer shall use the following in place of such number:
    - (a) Subject to A.2.b.(4)(b) below, a number equal to the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.
    - (b) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.
- c. Employee Notice to Employer
  - (1) In any case where the necessity for leave under the EFMLEA for the purpose of a qualifying need related to a public health emergency is foreseeable, an employee shall provide the employer with such notice of leave as is practicable.



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- (a) A request for such leave that is foreseeable shall be submitted to the Superintendent prior to commencing the leave.
  - (b) A need for such leave that is not foreseeable shall be submitted to the Superintendent within one business day of the first day of the leave being taken by the employee.
  - (c) The employee shall provide to the Superintendent the name of the employee's child, the name of the school, place of care, or child care provider that has closed or become unavailable, and a statement that no other suitable person is available to care for the child.
- d. Restoration to Position
- (1) The employee shall be restored to the same or equivalent position held by the employee when the leave commenced pursuant to 29 CFR 825.214. The requirement to restore the employee to the same or equivalent position held when the leave commenced does not apply to an employer who employs fewer than twenty-five employees if all four of the following conditions are met:
    - (a) The employee takes leave under the EFMLEA.
    - (b) The position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the employer:
      - i. That affect employment; and
      - ii. Are caused by a public health emergency during the period of leave.
    - (c) The employer makes reasonable efforts to restore the employee to a position equivalent to the position the employee held when the leave commenced with



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equivalent employment benefits, pay, and other terms and conditions of employment.

- (d) If the reasonable efforts of the employer under A.2.d.(1)(c) above fail, the employer makes reasonable efforts during the period described in A.2.d.(2) below to contact the employee if an equivalent position described in A.2.d.(1)(c) above becomes available.

### (2) Contact Period

- (a) The period described under A.2.d. above is the one-year period beginning on the earlier of:
  - i. The date on which the qualifying need related to a public health emergency concludes; or
  - ii. The date that is twelve weeks after the date on which the employee's leave under the EFMLEA commences.

## B. Emergency Paid Sick Leave Act (EPSLA)

The FFCRA includes the EPSLA, which provides paid sick time to an employee to the extent the employee is unable to work or (telework) due to a need related to COVID-19. The paid sick time provided by the EPSLA and outlined in B.1. below cannot be taken with any other paid leave time provided by the employer.

### 1. Definitions

- a. For purposes of the EPSLA and this Policy:

- (1) "Employee" means an individual who is employed by a private employer with fewer than five hundred employees and public employers with at least one employee.



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- (2) “Employer” means a private person or entity that employs fewer than five hundred employees and public employers that employ at least one employee.
- (a) “Covered employer” includes any person engaged in commerce or in any industry or activity affecting commerce that:
- i. In the case of a private entity or individual, employs fewer than five hundred employees; and
  - ii. In the case of a public agency or any other entity that is not a private entity or individual, employs one or more employees.
- (b) “Covered employer” also includes:
- i. Any person acting directly or indirectly in the interest of an employer in relation to an employee (within the meaning of such phrase in section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)); and
  - ii. Any successor in interest of an employer; and any “public agency”, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).
- (c) “Covered employer” also includes any “public agency “as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).
- (3) “Employ” and “State” have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).
- (4) “Health care provider” and “son or daughter” have the meanings given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).



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- (5) “Paid sick time” means an increment of compensated leave that:
- (a) Is provided by an employer for use during an absence from employment for a reason described in any paragraph of B.2.a. below; and
  - (b) Is calculated based on the employee’s required compensation under B.1.a.(6) below and the number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under (B.1.a.(7) below), except that in no event shall such paid sick time exceed:
    - i. \$511.00 per day and \$5,110.00 in the aggregate for a use described in B.2.a.(1), (2), or (3) below; and
    - ii. \$200.00 per day and \$2,000.00 in the aggregate for a use described in B.2.a.(4), (5), or (6) below.
- (6) “Required Compensation” subject to B.1.a.(5)(b) above, the employee’s “required compensation” shall be not less than the greater of the following:
- (a) The employee’s regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)).
  - (b) The minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).
  - (c) The minimum wage rate in effect for such employee in the applicable State or locality, whichever is greater, in which the employee is employed.

Subject to B.1.a.(5)(b) above, with respect to any paid sick time provided for any use described in B.2.a.(4), (5), or (6) below, the employee’s required compensation shall be two-thirds of the amount described in B.1.a.(6) above.



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- (7) “Varying Schedule Hours Calculation” means in the case of a part-time employee described in B.3.b.(2) below whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken paid sick time under B.2.a. below, the employer shall use the following in place of such number:
- (a) Subject to clause B.1.a.(7)(b) below, a number equal to the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes the paid sick time, including hours for which the employee took leave of any type.
  - (b) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

### 2. Paid Sick Leave Requirement

- a. An employer shall provide to each employee employed by the employer paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:
- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
  - (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
  - (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
  - (4) The employee is caring for an individual who is subject to an order as described in B.2.a.(1) above or has been advised as described in B.2.a.(2) above.



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- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

### 3. Duration of Paid Sick Time

- a. An employee shall be entitled to paid sick time for an amount of hours determined under B.3.b. below.
- b. The amount of hours of paid sick time to which an employee is entitled shall be as follows:
  - (1) For full-time employees, eighty hours.
  - (2) For part-time employees, a number of hours equal to the number of hours that such employee works, on average, over a two-week period.
- c. Paid sick time under the EPSLA shall not carry over from one year to the next.

### 4. Employer's Termination of Paid Sick Time

- a. Paid sick time provided to an employee under the EPSLA shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for paid sick time under B.2.a. above.

### 5. Prohibition

- a. An employer may not require, as a condition of providing paid sick time under the EPSLA, that the employee involved search for or find a



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replacement employee to cover the hours during which the employee is using paid sick time.

### 6. Use of Paid Sick Time

- a. The paid sick time under B.2.a. above shall be available for immediate use by the employee for the purposes described in the EPSLA, regardless of how long the employee has been employed by an employer.
- b. Sequencing Leave Time
  - (1) An employee may first use the paid sick time under B.2.a. above for the purposes described in the EPSLA.
  - (2) An employer may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the paid sick time under B.2.a. above.

### 7. Notice

- a. Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in the EPSLA.
- b. Not later than seven days after the date of enactment of this Act, the Secretary of Labor shall make publicly available a model of a notice that meets the requirements of B.7.a. above.

### 8. Prohibited Acts

- a. It shall be unlawful for any employer to discharge, discipline, or in any other manner discriminate against any employee who:
  - (1) Takes leave in accordance with the EPSLA; and
  - (2) Has filed any complaint or instituted or caused to be instituted any proceeding under or related to the EPSLA (including a proceeding



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that seeks enforcement of the EPSLA), or has testified or is about to testify in any such proceeding.

### 9. Enforcement

a. Unpaid Sick Leave - An employer who violates B.2. through B.6. of this Policy shall:

- (1) Be considered to have failed to pay minimum wages in violation of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); and
- (2) Be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216; 217) with respect to such violation.

b. Unlawful Termination - An employer who willfully violates B.8. above shall:

- (1) Be considered to be in violation of section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)); and
- (2) Be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216; 217) with respect to such violation.

### 10. Rules of Construction

a. Nothing in the EPSLA shall be construed:

- (1) To in any way diminish the rights or benefits that an employee is entitled to under any:
  - (a) Other Federal, State, or local law;
  - (b) Collective bargaining agreement; or



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(c) Existing employer policy; or

(2) To require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for paid sick time under the EPSLA that has not been used by such employee.

### 11. Guidelines

a. Not later than fifteen days after the date of the enactment of the EPSLA, the Secretary of Labor shall issue guidelines to assist employers in calculating the amount of paid sick time under the EPSLA.

### 12. Reasonable Notice

a. After the first workday (or portion thereof) an employee receives paid sick time under the EPSLA, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.

b. The request for such leave shall be submitted to the Superintendent, who may request documentation from the employee in support of the emergency paid sick leave.

c. The documentation shall include a signed statement containing the following information: the employee's name; the date(s) for which leave is requested; the COVID-19 qualifying reason for leave; and a statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason.

d. An employee requesting to take emergency paid sick leave under the EPSLA or the EFMLEA to care for his or her child must provide the following information: the name of the child being care for; the name of the school; place of care; or child care provider that closed or became unavailable due to COVID-19 reasons; and a statement representing that no other suitable person is available to care for the child during the period of requested leave.

### 13. Regulatory Authorities



# Policy

## Lopatcong Township Board of Education

Administration

1649 – Federal Families First Coronavirus Response Act

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- a. The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of Title 5, United States Code:
  - (1) To exempt small businesses with fewer than fifty employees from the requirements of B.2.a.5. when the imposition of such requirements would jeopardize the viability of the business as a going concern; and
  - (2) As necessary, to carry out the purposes of the EPSLA, including to ensure consistency between the EPSLA and Division C and Division G of the FFCRA.

H.R. 6201: Families First Coronavirus (COVID-19) Response Act

N.J.S.A. 18A:30-1

Adopted: July 28, 2020

