

REGULATION

ENGLEWOOD BOARD OF EDUCATION

TEACHING STAFF MEMBERS

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District Mentoring Program

R 3126 DISTRICT MENTORING PROGRAM

The Board of Education is authorized to employ a holder of a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) after its mentoring plan has been approved pursuant to N.J.A.C. 6A:9C-5.1.

A. Definitions (N.J.A.C. 6A:9-2.1)

1. "Certificate of Eligibility or CE" means a certificate with lifetime validity issued to persons who have completed degree, academic study, and applicable test requirements for certification. The CE permits the applicant to seek and accept employment in corresponding positions requiring certification.
2. "Certificate of Eligibility with Advanced Standing or CEAS" means a certificate with a lifetime validity issued to persons who have completed degree, academic study, applicable test requirements, and CEAS educator preparation programs for certification. The CEAS permits the applicant to seek and accept employment in positions requiring certification.
3. "District mentoring program" means a program of induction and support for non-tenured teachers, including novice provisional teachers and experienced teachers new to a school district, designed to develop them into effective professionals within the school district.
4. "Endorsement" means an authorization allowing a certificate holder to teach one or more specific subject area(s) or to serve in one or more specific teaching staff role(s).
5. "Mentor teacher" means an experienced, certified New Jersey teacher who is assigned to provide support and guidance to a novice teacher.
6. "Novice teacher" means any teacher serving full- or part-time under a provisional certificate who has not yet been issued a standard instructional certificate in any endorsement area.
7. "Professional Standards for Teachers" means the knowledge, skills, and dispositions that all teachers must acquire to practice as teachers in accordance with N.J.A.C. 6A:9-3.3.



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8. "Provisional teaching period" means a minimum of two years of full-time teaching under a provisional certificate required of all novice teachers before they are eligible to be recommended for a standard certificate.

B. Requirements for District Mentoring Program

1. The district shall develop a mentoring program to provide non-tenured teachers, including novice provisional teachers who hold a CE or CEAS, with an induction to the teaching profession and to the school district community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.
2. The goals of the district mentoring program shall be to enhance teacher knowledge of, and strategies related to, the New Jersey Student Learning Standards (NJSLS) to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist first-year teachers in performing their duties and adjusting to the challenges of teaching.
3. The Board of Education shall determine how each non-tenured teacher in his or her first year of employment, which shall be equal to at least thirty weeks, shall be provided with the following supports:
 - a. Comprehensive induction to school district policies and procedures including, but not limited to, introduction to school district curricula, student assessment policies, and training on the school district's evaluation rubric, including setting and assessing student learning through student growth objectives;
 - b. Individualized supports and activities, which shall be assigned at the school district's discretion and shall be aligned with the Professional Standards for Teachers at N.J.A.C. 6A:9-3.3, the Standards for Professional Learning at N.J.A.C. 6A:9C-3.3, and the school district's Commissioner-approved teaching practice instrument. The supports and activities shall be guided by:
 - (1) The non-tenured teacher's degree of preparation and experience;
 - (2) The non-tenured teacher's individual professional development plan (PDP) developed in accordance with N.J.A.C. 6A:9C-4.4;



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- (3) Areas of focus within the district mentoring plan; and
 - (4) Goals of the school and school district plans for professional development as described in N.J.A.C. 6A:9C-4.2.
 - c. One-to-one mentoring, which is required for each novice provisional teacher as set forth in 4. below.
4. The district shall provide an individual mentor to work one-to-one with a novice provisional teacher and ensure:
 - a. Each novice provisional teacher is assigned an individual mentor at the beginning of the contracted teaching assignment;
 - b. The mentor teacher provides observation and feedback, opportunities for the novice teacher to observe effective practice, and confidential guidance and support in accordance with the Professional Standards for Teachers, and guides the teacher in a self-assessment on the school district's Commissioner-approved teaching practice instrument;
 - c. The one-to-one mentoring includes planned, in-person contact time between the mentor teacher and the novice provisional teacher holding a CE or CEAS over the course of the academic year, or proportionally longer if the novice provisional teacher holds a part-time teaching assignment;
 - d. The mentor teacher and the novice provisional teacher holding a CEAS meet at least once per week for the first four weeks of the teaching assignment;
 - e. The mentor teacher and the novice provisional teacher holding a CE meet at least once per week for the first eight weeks of the teaching assignment:
 - (1) The one-to-one mentoring shall support the novice provisional teacher in achieving the curricular objectives of the formal instructional program in which the novice provisional teacher holding a CE is enrolled.
 - f. All contact time between the mentor teacher and the novice provisional teacher shall be recorded in a log, developed as part of the district mentoring plan, submitted to the Superintendent or designee, and maintained within the school district.



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5. All novice provisional teachers whose positions require possession of instructional certificates pursuant to N.J.S.A. 18A:26-2 and N.J.A.C. 6A:9B-5.1 shall comply with the district mentoring program requirements.
6. The district shall budget State funds appropriated for the novice teacher mentoring program.
 - a. Subject to the availability of funds, the Department of Education shall appropriate State funds based on the number of novice teachers employed each year by the Board of Education.
 - b. The Board of Education shall ensure State funds appropriated for this program supplement, and not supplant, Federal, State, or local funds already devoted to planning and implementing a novice teacher mentor program.
 - c. The Board of Education shall ensure State funds are used for one or more of the following:
 - (1) Stipends for mentor teachers;
 - (2) The costs associated with release time;
 - (3) Substitutes for mentor and novice teachers; and
 - (4) Professional development and training activities related to the program.
 - d. If no State funds are available to pay the costs of mentoring fees, candidates who are required to complete a provisional period of teaching to obtain standard certification shall be responsible for payment of mentoring fees during the first provisional year. The Board may, at its discretion, pay all or part of the mentoring fees.
7. The school district's administrative office shall oversee the payment of mentors. Payment shall not be conferred directly from provisional novice teacher to mentor.



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C. Mentor requirements

1. The Superintendent shall oversee the mentor selection process and ensure the individual mentor of a novice provisional teacher meets the following minimum requirements:
 - a. Holds an instructional certificate and, when possible, is certified in the subject area in which the novice provisional teacher is working;
 - b. Has at least three years of experience and has taught full-time for at least two years within the last five years;
 - c. Does not serve as the mentee's direct supervisor nor conduct evaluations of teachers;
 - d. Demonstrates a record of success in the classroom:
 - (1) All mentor teacher applicants shall have received a summative rating of effective or highly effective on the most recent summative evaluation, pursuant to N.J.A.C. 6A:10.
 - (a) A mentor teacher applicant in a school or school district not required pursuant to N.J.A.C. 6A:10-1 to issue summative evaluations shall demonstrate at least one year of effective teaching on his or her most recent evaluation as determined by his or her supervisor.
 - e. Understands the social and workplace norms of the school district and the community it serves;
 - f. Understands the resources and opportunities available in the school district and is able to act as a referral source to the novice provisional teacher; and
 - g. Completes a comprehensive mentor training program with a curriculum that includes, at a minimum, training on the school district's teaching evaluation rubric and practice instrument, Professional Standards for Teachers, NJSLs, classroom observation skills, facilitating adult learning, and leading reflective conversations about teaching practice.



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D. District Mentoring Plan

1. The Superintendent or designee shall develop a district mentoring plan as part of the school district's PDP pursuant to N.J.A.C. 6A:9C-4.4. The district mentoring plan shall include logistics for its implementation and describe the school district's responsibilities pursuant to N.J.A.C. 6A:9C-5.
 - a. The Superintendent shall submit the district mentoring plan to the Board of Education for review of its fiscal impact.
 - b. The Superintendent or designee shall share the district mentoring plan with each school improvement panel, which shall oversee the school-level implementation of the district mentoring plan and shall communicate the plan to all non-tenured teachers and their mentors.
 - c. The Superintendent or designee annually shall review the plan and revise it, as necessary, based on feedback from mentor logs, each school improvement panel, and data on teacher and student performance.

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Nonrenewal of Nontenured Teaching Staff Member

R 3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

A. Evaluations

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

B. Nonrenewal Recommendation

1. When a nontenured teaching staff member's performance does not meet the standards of the district, the Principal or the nontenured teacher's immediate supervisor shall recommend to the Superintendent that the teaching staff member should not be reemployed in the following school year.
2. The nontenured teaching staff member shall be informed by the Superintendent, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the nontenured teaching staff member on or before May 15.
3. A recommendation by the Superintendent for nonrenewal may be based upon the nontenured teaching staff member's evaluations, job performance, or any factor affecting his/her employment in this district.
4. Nontenured teaching staff members' contracts can only be renewed upon the Superintendent's recommendation and a majority vote of the full Board. The Board may not withhold its approval for arbitrary and capricious reasons.

C. Nonrenewal Action

1. The Superintendent will notify Board members of the recommendation not to renew a nontenured teaching staff member's contract before notifying the nontenured teaching staff member of the recommendation to not renew. The Superintendent may notify the Board members of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation in a written notice to the Board prior to May 15. In the alternative, the Superintendent may notify the Board members of the recommendation not to renew a nontenured teaching staff member in an executive session. Using this option, the Chief School Administrator and the Board will



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meet in executive session prior to May 15 to review the Superintendent's recommendation(s) for nonrenewal of nontenured teaching staff members. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those nontenured teaching staff members whose possible nonrenewal will be discussed at the meeting. If any such employee requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation and will be scheduled for discussion at a public meeting prior to May 15.

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

D. Notice of Nonrenewal

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

E. Request for Statement of Reasons

1. A nonrenewed teaching staff member will be given a written statement of the reasons for which he/she was not renewed provided the teaching staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the teaching staff member received written notice of his/her nonrenewal. N.J.S.A. 18A:27-3.2.
2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the employee's evaluations and the employee has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.



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3. The statement of reasons will be prepared by the Superintendent and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee's request.

F. Nonrenewal Appearance

1. A teaching staff member who has requested a statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Superintendent a written request for such an appearance no later than ten calendar days after the nontenured teaching staff member's receipt of the written statement of reasons. N.J.A.C. 6A:10-8.1(a).
2. A date for the informal appearance shall be scheduled within thirty calendar days from the teaching staff member's receipt of the Board's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13. The Board will determine a reasonable length of time to be devoted to the appearance, depending upon each instance's specific circumstances. The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.S.A. 10:4-12(b)(8).
3. The teaching staff member requesting the appearance shall be given written notice, no later than forty-eight hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.
4. The purpose of the appearance shall be to permit the nonrenewed teaching staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured teaching staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding and the appearance shall not be an adversary proceeding.
5. The teaching staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on his/her behalf. Witnesses do not need to present testimony under oath and their statements may be recorded. The Board will hear witnesses and shall not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and shall be excused from the meeting after making their statements.



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G. Final Determination

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

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Substance Abuse

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R 3218 SUBSTANCE ABUSE

A. Definition

1. "Principal or designee" means the teaching staff member's Principal or a staff member designated by the Principal to be responsible at the time of the alleged violation or the teaching staff member's supervisor or a staff member designated by the teaching staff member's supervisor to be responsible at the time of the alleged violation.
2. "Substance" or "substances" means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
3. "Substance test" means a test conducted by a State-licensed clinical laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.
4. "Under the influence" means the presence of a substance as defined in Policy 3218 and this Regulation as confirmed in a medical examination and substance test.

B. Procedures to be Followed When a Teaching Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a teaching staff member is suspected of being under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.
 - a. The Principal or designee, upon receiving a report or information a teaching staff member may be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities will:



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- (1) Immediately notify the Superintendent;
- (2) Immediately meet with the teaching staff member;
 - (a) The Principal or designee may include another staff member in this meeting; and
 - (b) The teaching staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.
- b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion the teaching staff member may be under the influence of a substance.
- c. The teaching staff member shall be provided an opportunity to respond to the report or information presented by the Principal or designee.
- d. In the event the Principal or designee believes the teaching staff member may be under the influence of a substance after meeting with the teaching staff member, the Principal or designee will arrange for an immediate medical examination to include a substance test.
- e. The teaching staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the Principal or designee.
- f. The teaching staff member, prior to the medical examination and substance test, will be informed by the physician or the physician's designee on the type of testing to be completed and the substances that will be tested.
- g. The teaching staff member may, prior to being examined and tested, disclose to the physician any prescription medicine, over-the-counter medicine or supplements, or any other reason why the teaching staff member's test results may be positive.
- h. A teaching staff member's refusal to be examined or tested in accordance with the provisions of Policy 3218 and this Regulation will be deemed as a positive test for substances.



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2. The medical examination and substance test shall be used by the physician to determine if the teaching staff member is under the influence of any substance as defined in Policy 3218 and this Regulation. The substance test procedures will provide for a confirming test using acceptable confirmation test procedures.
3. The physician shall receive the results of the substance test within twenty-four hours of the test being administered. If the results of the substance test are not available within twenty-four hours, the physician shall report the results to the Superintendent and the teaching staff member as soon as the test results are available.
4. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was not under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will notify the Superintendent of such results and the teaching staff member shall return to their position in the school district. Any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.
5. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will:
 - a. Discuss the results of the examination and substance test with the teaching staff member and provide the teaching staff member an opportunity to present any medical or other reasons for the physician's determination.
 - b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a State-licensed clinical laboratory selected by the staff member and approved by the physician.
 - (1) The physician will schedule and coordinate the confirming test procedures, including the acceptable time period for the confirming test to be conducted based on the existing test results, and the time in which a confirming test result would be valid.
 - (2) The confirming substance test results must be provided to the physician within the time period required by the physician.



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- (3) Any confirming test results provided to the physician not within the time period required by the physician shall not be accepted and the teaching staff member shall be determined to have waived their right to have a confirming substance test considered by the physician.
- c. After completing the requirements in a. and b. above the physician shall make a final determination whether the teaching staff member was under the influence of a substance during the work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities.
- (1) If the physician makes a final determination the teaching staff member was not under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Superintendent and the teaching staff member shall return to their position in the school district and any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.
 - (2) If the physician makes a final determination the teaching staff member was under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Superintendent and the teaching staff member will be required to meet with the Superintendent.
- C. Procedures to be Followed When a Teaching Staff Member is Determined to be Under the Influence of a Substance
1. Any teaching staff member who has been determined by the physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities shall be required to meet with the Superintendent.
 - a. The teaching staff member may include a staff member or a representative of their choice in this meeting.



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2. The Superintendent will provide the teaching staff member an opportunity to respond to the physician's determination.
3. A teaching staff member who has been determined to have been under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities will be subject to appropriate discipline which may include termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member.

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

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

A. Definitions – N.J.A.C. 6A:10-1.2

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

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

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

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

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

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

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

“Department” means the New Jersey Department of Education.



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Evaluation of Administrators, Excluding Principals,
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“Designated supervisor” means the supervisor designated by the Superintendent of Schools or designee as the administrator’s supervisor.

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

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

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

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

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

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

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

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



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

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

“Semester” means half of the school year.

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

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

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

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

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

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

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., including, but not limited to, digital records, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.



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- D. Evaluation of Administrators – N.J.A.C. 6A:10-2.1
1. The Board of Education shall annually adopt evaluation rubrics for all administrators. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
 2. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.
- E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2
1. The Board of Education shall meet the following requirements for the annual evaluation of administrators, unless otherwise specified:
 - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;
 - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c):
 - (1) The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.
 - c. Ensure the Superintendent annually notifies all administrators of the adopted evaluation policies and procedures no later than October 1. If an administrator is hired after October 1, the Board/Superintendent shall notify the administrator of the policies and procedures at the beginning of his or her employment. All administrators shall be notified of amendments to the policy and procedures within ten working days of adoption;



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



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- c. The Superintendent shall annually certify to the Department that all supervisors of administrators in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.
- F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3
1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
 2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
 3. Beginning in 2018-2019, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District Evaluation Advisory Committee.
- G. Evaluation Procedures for Administrators – N.J.A.C. 6A:10-2.4
1. The provisions outlined in Policy and Regulation 3223 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of administrators.
 2. Evaluation policies and procedures requiring the annual evaluation of all administrators shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
 - a. Roles and responsibilities for implementation of evaluation policies and procedures;



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



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4. If any scores for the administrator's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
 5. The annual performance report for the administrator shall be prepared by the designated supervisor and shall include, but not be limited to:
 - a. A summative rating based on the evaluation rubric;
 - b. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the administrator's evaluation rubric; and
 - c. The administrator's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.
 6. The administrator and the designated supervisor shall sign the report within five working days of the review.
 7. The Board of Education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of his or her personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative, confidential location, the personnel file shall clearly indicate the report's location and how it can easily be accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.
- H. Corrective Action Plans for Administrators – N.J.A.C. 6A:10-2.5
1. For each administrator rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by administrator and the Superintendent or the designated supervisor. If the administrator does not agree with the corrective action plan's content, the designated supervisor shall make a final determination.



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2. The corrective action plan shall be developed and the administrator and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation except:
 - a. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the administrator and his or her designated supervisor shall meet to discuss the corrective action plan within twenty-five administrator working days following the school district's receipt of the administrator's summative rating.
3. The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:
 - a. Address areas in need of improvement identified in the administrator evaluation rubric;
 - b. Include specific, demonstrable goals for improvement;
 - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 - d. Include timelines for meeting the goal(s).
4. The administrator's designated supervisor and the administrator on a corrective action plan shall discuss the administrator's progress toward the goals outlined in the corrective action plan during each required post-observation conference. The administrator and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the administrator's progress, position, or role.
5. Progress toward the administrator's goals outlined in the corrective action plan:
 - a. Shall be documented in the administrator's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the administrator on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the administrator's progress toward his or her corrective action plan goals; and



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- b. May be used as evidence in the administrator's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
 6. Responsibilities of the evaluated administrator on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the administrator's designated supervisor.
 7. The corrective action plan shall remain in effect until the administrator receives his or her next summative evaluation rating.
 8. There shall be no minimum number of administrator working days an administrator's corrective action plan can be in place.
- I. Administrator Observations and Evaluations – N.J.A.C. 6A:10-6.2
 1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured administrators. Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:
 - a. Be at least twenty minutes in length;
 - b. Be followed within fifteen administrator working days by a conference between the supervisor who made the observation and the nontenured administrator;
 - c. Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy of his or her records; and
 - d. Allow the nontenured administrator to submit his or her written objection(s) of the evaluation within ten administrator working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.
 2. All tenured administrators shall receive at least one observation per school year.



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3. All nontenured administrators shall receive at least three observations, as required pursuant to N.J.S.A. 18A:27-3.1.
 - a. The required observations and evaluations for nontenured administrators shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the case of the first year of employment where the three evaluations and observations must have been completed prior to April 30.
 - b. The number of required observations and evaluations for nontenured administrators may be reduced proportionately when an individual administrator's term of service is less than one academic year.
4. Evaluations for tenured administrators shall be completed prior to June 30.

Adopted: .



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Liability for Student Welfare

R 3280 LIABILITY FOR STUDENT WELFARE

- A. A teaching staff member must maintain a standard of care for supervision, control, and protection of students commensurate with the member's assigned duties and responsibilities.
1. A class or activity must never be left unattended while students are in the room, except that a teacher may stand immediately outside the door of the room as students are entering.
 2. A class or activity must never be left with an unqualified person in charge of students.
 3. Younger students should be accompanied to assigned places of instruction and monitored until supervision is assumed by another qualified, responsible person.
 4. Students shall not be allowed to inflict bodily harm on one another. Teaching staff members are responsible for preventing and stopping student fights and assaults, whatever the cause or intent; if necessary, responsible assistance must be quickly summoned. Teaching staff members may restrain a student only with the reasonable amount of force necessary to:
 - a. Quell a disturbance,
 - b. Obtain possession of weapons or dangerous objects,
 - c. Offer self defense, or
 - d. Protect persons or property.
- B. A teaching staff member should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumed responsibilities carry the same potential for liability as do assigned responsibilities.
- C. A teaching staff member must provide proper instruction in safety wherever course guides so provide.
- D. A teaching staff member must report immediately to the Building Principal any accident or safety hazard the member detects.
- E. A teaching staff member must not send students on personal errands.



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- F. A teaching staff member must never transport students in a personal vehicle without the approval of the Building Principal. Any transportation of students by private vehicle is subject to Policy No. 8660.
- G. A teaching staff member must not require a student to perform tasks that may be detrimental to the student's health or well-being.
1. Students may be permitted to use only items of equipment that have been provided by the Board.
 2. Equipment shall not be used for purposes other than the instructional purposes for which the equipment was provided; equipment may never be operated in a hazardous manner.
 3. Power tools and other inherently hazardous equipment may be used only by students to whom the tools or equipment have been assigned for instructional purposes and who have received instruction for their safe use.
 4. Students will be permitted to work in a shop, kitchen, or laboratory only during the period scheduled for instruction and only in accordance with safety rules.
 5. Classroom materials and equipment should be organized so as to minimize the danger of injury to students.
 6. Teachers must exercise good judgment when assigning tasks to students to prevent bodily harm and damage to property.
 7. Safety equipment provided for use in potentially hazardous situations must be properly and promptly utilized when necessary.
- H. A teaching staff member must render prompt reports when so required by law and Board policy.
1. Instances of substance abuse will be reported in accordance with Policy No. 5530.
 2. Instances of violence and/or vandalism will be reported in accordance with Policy No. 8461.
 3. Accidents will be reported in accordance with Board Policy No. 8442.



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4. Instances of suspected child abuse will be reported in accordance with Policy Nos. 8461 and 8462.
5. Missing children will be reported in accordance with Policy No. 8464.

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Sexual Harassment of Teaching Staff
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R 3362 SEXUAL HARASSMENT OF TEACHING STAFF MEMBERS COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.
2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.
3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

1. Reporting of Sexual Harassment Conduct
 - a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.



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- b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or telephone call.
 - c. A report to the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
 - d. In the event the report alleges conduct by the Building Principal or the Affirmative Action Officer, the Superintendent will designate a school official to assume the Building Principal's or Affirmative Action Officer's responsibilities as outlined in Policy No. 3362 and this Regulation.
2. Affirmative Action Officer's Investigation
- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
 - b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.
 - c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.
 - d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.



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- e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation No. 3362 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.
 - f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
 - g. The Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if there is potential criminal conduct by any party.
 - h. The school district administration may take interim measures during an Affirmative Action Officer's investigation of a complaint.
 - i. The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.
3. Investigation Results
- a. Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the person(s) providing notice to the school district and the staff member(s) who was alleged to be sexually harassed.
 - b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
 - c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
 - d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.



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- e. In the event the Affirmative Action Officer determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The school district may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.
 - f. In some situations, the school district may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.
 - g. The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.
 - h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.
4. Affirmative Action Officer's Investigation Appeal Process
- a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.



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- b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

C. Office Of Civil Rights (OCR) Case Resolution

Persons not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).
2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of school staff members, OCR will consider whether:
 - a. The school district has a policy prohibiting sexual harassment and a grievance procedure;
 - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
 - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

Issued:



