

# PROPOSED POLICY

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

[See POLICY ALERT No. 223]

## 0131 BYLAWS, AND POLICIES, AND REGULATIONS

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

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

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

Bylaws, ~~and policies,~~ **and regulations** may be adopted; ~~and revised amended,~~ **and revised** ~~and repealed~~ at any meeting of the Board, provided the proposed adoption; ~~or revision amendment,~~ **or revision** ~~or repeal~~ has been proposed and approved by the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

**Bylaws, policies, or regulations may be abolished at any meeting of the Board**

[Option – Select one Option Below

  X   provided the proposed abolishing of the proposed bylaw, policy, or regulation has been approved by the Board at a previous meeting of the Board.

       without the proposed abolishing of the proposed bylaw, policy, or regulation being approved by the Board at a previous meeting of the Board.]

~~Optional~~

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



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Bylaws, and Policies, and Regulations

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

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 Any **bylaw**, policy, **or regulation** or part of a **bylaw**, policy, **or regulation** that is superseded by a term in a negotiated agreement or by a subsequently adopted **bylaw**, policy, **or regulation** shall no longer be in force and effect as a **bylaw**,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

## Promulgation and Distribution

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

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

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

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



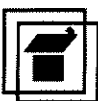
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Bylaws, and Policies, and Regulations

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

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

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



# PROPOSED POLICY

BYLAWS

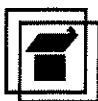
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Bylaws, and Policies, and Regulations

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

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

First Reading: 20 July 2021



# PROPOSED POLICY

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~~Career and Vocational-Technical Education~~  
May 21

[See POLICY ALERT Nos. 173 and 223]

## 2421 CAREER AND VOCATIONAL-TECHNICAL EDUCATION

The Board of Education ~~believes provides~~ a program(s) of **career and vocational-technical education is important to the educational development of its students.** The New Jersey system ~~purpose of career and technical education~~ has as its purpose to:

1. **Support developmental career education designed to provide students opportunities to enhance career awareness, exploration, preparation, and decision-making skills necessary for success in the workplace; ~~the vocational-technical education program is to develop the academic, vocational, and technical skills of students who elect to enroll in vocational-technical education programs preparing the students for career preparation, gainful employment, lifelong learning, training supplemental to daily employment, and productive citizenship.~~**
2. **Provide secondary and postsecondary students with career and technical education programs and programs of study in Department-recognized Career Clusters in accordance with N.J.A.C. 6A:19-1.1(a)2.;**
3. **Support a comprehensive K-12 career education and counseling system; and**
4. **Support the workforce development system by helping to ensure quality postsecondary educational opportunities for adult students.**

The Board provides a program of **career and vocational-technical education**

**Select One Option As Identified Below**

**[For County Vocational Schools-Districts**

\_\_\_\_ operating as a county vocational school district in accordance with N.J.S.A. 18A:54-1.1 et seq. and N.J.A.C. 6A:19-1.1 et seq.]



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Career and Vocational-Technical Education

## [For School Districts That Only Offer The County Vocational School Option For Career and Vocational-Technical Education Programs

X with students guaranteed the right to apply and, if accepted, to attend a county vocational school **district**. The district **shall will** provide a county vocational school **district and its designated** representative(s) **with** a reasonable opportunity, during school hours, to present information about the county vocational school **district's** programs to **all** students, ~~in grades six~~ **Kindergarten** through twelve **in the schools of the district in accordance with N.J.A.C. 6A:19-2.3(d).** The Board of Education may not in any manner inhibit student access to such information.]

## [For School Districts That Offer The County Vocational School Option And Local Career and Vocational-Technical Education Programs Established In Accordance With N.J.A.C. 6A:19-3.51.1 et seq.

\_\_\_\_\_ with students guaranteed the right to apply and, if accepted, to attend a county vocational school **district**. The district **shall will** provide a county vocational school **district and its designated** representative(s) **a with** reasonable opportunity, during school hours, to present information about the county vocational school **district's** programs to **all** students, ~~in grades six~~ **Kindergarten** through twelve **in the schools of the district in accordance with N.J.A.C. 6A:19-2.3(d).** The Board of Education may not in any manner inhibit student access to such information.

In addition, the district has established local **career and secondary vocational-technical education** programs **and programs of study approved pursuant to N.J.A.C. 6A:19-3.1 as part of a separate career and technical high school or as part of a comprehensive high school curriculum** in accordance with **the provisions of N.J.A.C. 6A:19-3.5 2.1(e).** These programs **shall be have been** approved by the Commissioner of Education ~~pursuant to N.J.A.C. 6A:8-2.2(b)5.~~

Admission to the district's **career and vocational-technical** education programs will be open to regularly enrolled students in grades \_\_\_\_\_ through \_\_\_\_\_ on the basis of their potential for achieving the occupational or other objective of such instruction.]



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**Career and Vocational-Technical Education**

All students participating in **career and vocational-technical** education programs within this district or in shared-time **career and vocational-technical** programs are considered to be regularly enrolled in the schools of this district and are subject to the policies and rules of this Board. **The district shall establish admission requirements that include equity and access for all populations, including special populations and special education students.** No student shall be denied admission or participation in any **career and vocational-technical** education programs due to race, color, creed, religion, national origin, ancestry, age, marital status, **affectional or** sexual orientation, gender, **socioeconomic** social or economic status, or disability.

**~~{Optional — For Districts That Offer Vocational-Technical Education Programs In Other School Districts~~**

~~{Students may be permitted to enroll in programs of vocational instruction offered by a county vocational school district outside the county only as required in the provisions of N.J.A.C. 6A:19-2.3(a)2. other local school districts if the Board approves the payment of the tuition and transportation costs and does not offer an identical type of program in accordance with N.J.A.C. 6A:19-3.1(b).}~~

The district will comply with the general program requirements for **career and vocational-technical** education as defined in N.J.A.C. 6A:19-5.23.1 et seq. Students participating in part-time school and part-time employment **career and vocational-technical** programs will not be exploited, illegally employed, or employed under conditions that fail to safeguard the student's health and interest. These students shall receive wages commensurate with wages paid to other employees for similar work and shall be protected by provisions of the Worker's Compensation Act and any other acts of the State pertaining to such training and employment. **The school district will comply with all safety and health standards contained in N.J.A.C. 6A:19-6.1 for career and technical education programs, programs of study, and structured learning experiences.**

**Career and technical education programs offered by the school district shall comply with the provisions of N.J.S.A. 18A:54 and N.J.A.C. 6A:19.**



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**Career and Vocational-Technical Education**

~~The Superintendent shall develop regulations that ensure vocational-technical education programs established in the district are conducted within the framework of the State's Plan for Vocational and Technical Education approved by the New Jersey State Board of Education and accepted by the United States Department of Education.~~

The Superintendent shall seek and utilize all available Federal, State, and private sources of revenue for the financial support of **career and vocational-technical** education programs in the district.

N.J.S.A. 18A:35-4.2; 18A:38-15; 18A:54-1.1 et seq.

N.J.A.C. 6A:19-1.1 et seq.

First Reading: 20 July 2021





# PROPOSED POLICY

TEACHING STAFF MEMBERS

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Assignment of **Extra Additional Duties**

May 21

[See POLICY ALERT No. 223]

## 3134 ASSIGNMENT OF EXTRA ADDITIONAL DUTIES

The professional responsibilities of teaching staff members include such extra duties as may be assigned by the **Superintendent or designee** ~~Board of Education~~. The **Superintendent or designee will, in accordance with the Board of Education's managerial prerogative,** ~~Board will appoint assign~~ teaching staff members to extra ~~duties duty positions~~ **that are in accordance with applicable law and any collective bargaining agreement including, but not necessarily limited to, the positions of department chairperson, account treasurer, co-curricular activity advisor, athletic coach, monitor, and chaperone.**

**All aspects of assignment to, retention in, dismissal from, and any terms and conditions of employment concerning extra-curricular activities shall be deemed mandatory subjects for collective negotiations in accordance with the provisions of N.J.S.A. 34:13A-23.**

~~A teaching staff member who requests appointment to an extra duty position may be given preference over other candidates for the position. Wherever possible, the Board will fill athletic coaching positions with physical education teachers.~~

~~Any teaching staff member appointed to an extra duty position is expected to serve unless excused for extenuating circumstances. A member's refusal to serve or resignation from extra duty service without permission may constitute an act of insubordination subject to discipline.~~

~~A teaching staff member can accrue no tenure or seniority rights in an extra duty position and is not entitled to reappointment to an extra duty position.~~

Performance in **any** an extra ~~duties duty position~~ **may** will be considered in a teaching staff member's evaluation, ~~in determining whether to renew a nontenured member, and in determining which of two or more tenured members with identical seniority entitlements will be retained in a reduction in force.~~



# PROPOSED POLICY

TEACHING STAFF MEMBERS

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Assignment of **Extra** ~~Additional~~ Duties

~~The Superintendent will inform the Board of extra duty positions required for the implementation of the district's program, post notice of vacancies in those positions, and recommend appointments to those positions.~~

N.J.S.A. 18A:27-4

**N.J.S.A. 34:13A-23**

~~Cross reference: Policy Guide No. 3270~~

First Reading: 20 July 2021



# PROPOSED POLICY

TEACHING STAFF MEMBERS

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Nonrenewal of Nontenured Teaching Staff Member

May 21

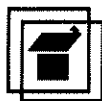
[See POLICY ALERT Nos. 166, 175, 201 and 223]

## 3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

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

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

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



# PROPOSED POLICY

TEACHING STAFF MEMBERS

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Nonrenewal of Nontenured Teaching Staff Member

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

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

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

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

First Reading: 20 July 2021



# PROPOSED POLICY

TEACHING STAFF MEMBERS

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Evaluation of Teachers

May 21

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

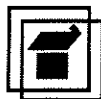
## 3221 EVALUATION OF TEACHERS

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

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

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

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



# PROPOSED POLICY

TEACHING STAFF MEMBERS

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Evaluation of Teachers

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

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

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

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

N.J.S.A. 18A:6-117 et seq.; **N.J.S.A. 18A:27-3.1**  
N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5  
N.J.A.C. 6A:10-3.1 and 3.2; N.J.A.C. 6A:10-4.1 through 4.4  
N.J.A.C. 6A:10-7.1 and 7.2

First Reading: 20 July 2021



# PROPOSED POLICY

TEACHING STAFF MEMBERS

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Evaluation of Teaching Staff Members, Excluding  
Teachers and Administrators

May 21

M

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

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

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

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

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

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



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## TEACHING STAFF MEMBERS

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

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

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

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

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

N.J.S.A. 18A:6-117 et seq.; N.J.S.A. 18A:27-3.1  
N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5; 6A:10-6.2

First Reading: 20 July 2021





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TEACHING STAFF MEMBERS

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

May 21

M

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

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

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

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

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



# PROPOSED POLICY

TEACHING STAFF MEMBERS

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

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

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

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

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

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

First Reading: 20 July 2021



# PROPOSED POLICY

TEACHING STAFF MEMBERS

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Evaluation of Principals, Vice Principals,  
and Assistant Principals

May 21

M

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

## 3224 EVALUATION OF PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

The Board of Education recognizes the importance of Principal, Vice Principal, and Assistant Principal effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3224 for the evaluation of Principals, Vice Principals, and Assistant Principals consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for Principal, Vice Principal, and Assistant Principal evaluations consistent with TEACHNJ and AchieveNJ.

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

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



# PROPOSED POLICY

## TEACHING STAFF MEMBERS

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

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

The components of the principal evaluation rubrics as described in N.J.A.C. 6A:10-5.1 shall apply to Principals, Vice Principals, and Assistant Principals. Measures of student achievement, as outlined in N.J.A.C. 6A:10-5.2, shall be used to determine impact on student learning. Principal, Vice Principal, and Assistant Principal observations shall be conducted in accordance with the provisions of N.J.A.C. 6A:10-5.4. The Superintendent or designated supervisor shall conduct observations for the evaluation of Principals pursuant to N.J.S.A. 18A:6-121 and he or she shall be trained pursuant to N.J.A.C. 6A:10-2.2(b). A Principal, or the Superintendent or designated supervisor, shall conduct observations for the evaluation of Vice Principals and Assistant Principals pursuant to N.J.S.A. 18A:6-121.

The principal practice instrument approved by the Department of Education shall meet the criteria as outlined in N.J.A.C. 6A:10-7.3.

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

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

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

N.J.A.C. 6A:10-5.1 through 5.4

N.J.A.C. 6A:10-7.1 and 7.3

First Reading: 20 July 2021



# PROPOSED POLICY

SUPPORT STAFF MEMBERS  
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Nonrenewal of Nontenured Support Staff Member  
May 21

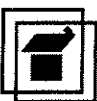
[See POLICY ALERT Nos. 166, 201 and 223]

## 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

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

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

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



# PROPOSED POLICY

## SUPPORT STAFF MEMBERS

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### Nonrenewal of Nontenured Support Staff Member

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

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

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



# PROPOSED POLICY

SUPPORT STAFF MEMBERS

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Nonrenewal of Nontenured Support Staff Member

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

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

N.J.S.A. **18A:27-3.2**; 18A:27-4.1;  
N.J.A.C. **6A:10-9.1**

First Reading: 20 July 2021



# PROPOSED POLICY

STUDENTS

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Bridge Year Pilot Program

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[See POLICY ALERT No. 223]

## 5460.02 BRIDGE YEAR PILOT PROGRAM

The New Jersey Commissioner of Education has established a three-year "Bridge Year Pilot Program," under which each school district with a high school shall offer students in the graduating classes of 2021 and 2022 the opportunity to pursue a Bridge Year during the year immediately following their senior year of high school, in accordance with the provisions of P.L. 2020 c.41. The purpose of the Bridge Year Pilot Program shall be to provide participating students an additional year to address learning loss and missed opportunities in extracurricular activities, including spring sports programs, as a result of the public health state of emergency caused by the COVID-19 pandemic.

For the purpose of this Policy, "host high school" means the high school that a student, who pursues a Bridge Year pursuant to the provisions of P.L. 2020 c.41, attended as a junior in high school.

Under the Bridge Year Pilot Program, each high school in a school district shall designate a school staff member as a Bridge Year Liaison to serve as the school's central point of contact for students interested in pursuing a Bridge Year and for students participating in a Bridge Year. Nothing in P.L. 2020 c.41 shall be construed to require a school district to hire an individual to serve as a Bridge Year Liaison.

To be eligible to participate in the Bridge Year Pilot Program, a student shall be nineteen years of age or younger and shall not turn twenty years of age at any time during the Bridge Year, except that a classified student shall be eligible to participate if the student will turn twenty years of age during the Bridge Year due to services provided pursuant to the student's individualized education program. To participate in the Bridge Year Pilot Program, eligible students must notify their host high school's Bridge Year Liaison by February 15 of their senior year.

The Bridge Year Liaison shall develop, in consultation with Bridge Year students, an Individual Learning Plan (ILP) for each student. To ensure ample time to plan for the implementation of services outlined in the ILP, each Bridge Year student's ILP shall be completed by May 15, but no later than June 1 of the student's senior year.





# PROPOSED POLICY

STUDENTS

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Bridge Year Pilot Program

During the fall semester of the student's Bridge Year, the student shall take between nine and twelve credits at the host high school, the county college that serves the county of the host high school, or a combination thereof. During the spring semester of the student's Bridge Year, the student shall take between nine and twelve credits at the county college that serves the county of the host high school. During either semester of the Bridge Year, a student may also take up to three credits offered by a four-year institution of higher education at any high school in the State or at any other location to fulfill the student's credit requirement. At the conclusion of each semester of the Bridge Year, the host high school shall update the student's high school transcript to reflect any high school credits earned during the Bridge Year.

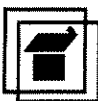
In the event that a student initially decides to pursue a Bridge Year in the fall semester, but does not continue the Bridge Year in the spring semester, the student's host high school shall release all final transcripts and other records as necessary and as may be requested. A student who decides not to continue the Bridge Year in the spring semester shall not be eligible to participate in a spring sports program or extracurricular activities pursuant to P.L. 2020 c.41.

The State Board of Education shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B -1 et seq.), necessary to effectuate the provisions of P.L. 2020 c.41.

The Higher Education Student Assistance Authority shall promulgate regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B -1 et seq.), necessary to effectuate the provisions of subsection d. of section 2 of this Act.

P.L. 2020 c.41

First Reading: 20 July 2021



# PROPOSED POLICY

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School District Travel  
May 21  
M

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

## 6471 SCHOOL DISTRICT TRAVEL

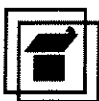
The Board of Education shall implement a Policy and Regulation pertaining to travel expenditures for its employees and Board of Education members that is in accordance with N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-7, and other rules and procedures the Board of Education deems appropriate pursuant to N.J.A.C.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

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

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

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

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



# PROPOSED POLICY

FINANCES  
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School District Travel

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

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

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

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

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



# PROPOSED POLICY

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School District Travel

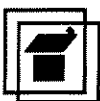
## [Option

- X** The Board of Education authorizes an annual maximum amount per employee for regular business travel only for which Board of Education approval is not required. The annual maximum shall not exceed \$ **\$1,000.00** (No more than \$ 1,500.00) and shall be subject to the approval requirements in N.J.S.A. 18A:19-1.]

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

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

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



# PROPOSED POLICY

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School District Travel

## [Option

- ☒ The Board of Education excludes from the requirements of prior Board of Education approval any travel caused by or subject to existing contractual provisions, including grants and donations, and other statutory requirements, or Federal regulatory requirements in accordance with the provisions of N.J.A.C. 6A:23A-7.4(d).]

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

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

## [Select One Option

- ☒ The Superintendent of Schools is the final approval authority for travel.
- ☐ The School Business Administrator/Board Secretary is the final approval authority for travel.
- ☐ The Superintendent of Schools and the School Business Administrator are the final approval authorities for travel.]

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

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



# PROPOSED POLICY

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School District Travel

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

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

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

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

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

N.J.S.A. 18A:11-12

N.J.A.C. 6A:23A-5.9; 6A:23A-7

First Reading: 20 July 2021



# PROPOSED POLICY

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Procurement Procedures for School  
Nutrition Programs  
May 21  
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[See POLICY ALERT Nos. 215, 216, 217, 221, 222 and 223]

**[SCHOOL DISTRICTS NOT PARTICIPATING IN A UNITED STATES DEPARTMENT OF AGRICULTURE'S (USDA) SCHOOL NUTRITION PROGRAMS ARE NOT REQUIRED TO ADOPT POLICY 8561.]**

## 8561 PROCUREMENT PROCEDURES FOR SCHOOL NUTRITION PROGRAMS

The Board of Education adopts this Policy to identify their procurement plan for the United States Department of Agriculture's (USDA) School Nutrition Programs. School Nutrition Programs include, but are not limited to: the National School Lunch Program (NSLP); School Breakfast Program (SBP); Afterschool Snack Program (ASP); Special Milk Program (SMP); Fresh Fruit and Vegetable Program (FFVP); Seamless Summer Option (SSO) of the NSLP; Summer Food Service Program (SFSP); the At-Risk Afterschool Meals component of the Child and Adult Care Food Program (CACFP); and the Schools/Child Nutrition USDA Foods Program.

The Board of Education is ultimately responsible for ensuring all procurement procedures for any purchases by the Board of Education and/or a food service management company (FSMC) comply with all Federal regulations, including but not limited to: 7 CFR Parts 210, 220, 225, 226, 245, 250; 2 CFR 200; State procurement statutes and administrative codes and regulations; local Board of Education procurement policies; and any other applicable State and local laws.

The procurement procedures contained in this Policy will be implemented beginning immediately, until amended. All procurements must maximize full and open competition. Source documentation will be maintained by the School Business Administrator/Board Secretary or designee and will be available to determine open competition, the reasonableness, the allowability, and the allocation of costs.

The Board of Education intentionally seeks to prohibit conflicts of interest in all procurement of goods and services.



# PROPOSED POLICY

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Procurement Procedures for School  
Nutrition Programs

## A. General Procurement

The procurement procedures will maximize full and open competition, transparency in transactions, comparability, and documentation of all procurement activities. The school district's plan for procuring items for use in the School Nutrition Programs is as follows:

1. The School Business Administrator/Board Secretary will ensure all purchases will be in accordance with the Federal Funds Procurement Method Selection Chart – State Agency Form #358–Appendix. Formal procurement procedures will be used as required by 2 CFR 200.318 through .326 and any State and local procurement code and regulations. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold.
2. The following procedures will be used for all purchases:

Product/Services	Estimated Dollar Amount	Procurement Method	Evaluation	Contract Award Type	Contract Duration/ Frequency
Small Wares	Up to \$6,000	Informal bid/quotes	Reasonable Price	Equitable Distribution	Annual provided funds are available for purchase
Small Wares	Over \$6,000	Informal bid/quotes	Bottom Line	Fixed Price	Annual provided funds are available for purchase
Repair Services	Up to \$6,000	Informal bid/quotes	Bottom Line	Fixed Price	As needed
Capital Equipment	Up to \$40,000	Informal bid/quotes	Bottom Line	Fixed Price	As needed with available funds, subject to State approval.
Capital Equipment	Over \$40,000	Formal IFB	Bottom Line	Fixed Price	Annual with available funds and subject to State approval
Shortages/Emergency	Up to \$6,000	Micro-Purchase	Reasonable Price	Equitable Distribution	Infrequently, as needed
FSMC Services		Formal RFP	Criteria as Specified in RFP	As specified in RFP	Base year plus up to 4 one year renewals as specified

## B. Micro-Purchase Procedures

### 1. Public/Charter Schools





# PROPOSED POLICY

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Procurement Procedures for School  
Nutrition Programs

Purchases of supplies or services, as defined by 2 CFR 200.67, will be awarded without soliciting competitive price quotations if the price is reasonable in accordance with N.J.S.A. 18A:18A-37(a) and below thresholds established by the State Treasurer for informal receipt of quotations. Purchases will be distributed equitably among qualified suppliers with reasonable prices. Records will be kept for micro-purchases.

2. Non-Public Schools

Purchases of supplies or services, within the Federal micro-purchase threshold (the aggregate amount does not exceed the Federal micro-purchase threshold as set by 2 CFR 200.67) will be awarded without soliciting competitive price quotations if the price is reasonable. Purchases will be distributed equitably among qualified suppliers with reasonable prices. Records will be kept for micro-purchases.

3. Formal bid procedures will be applied on the basis of:

**[Choose one or more of the following:**

- ☒ centralized system;
- ☐ individual school;
- ☐ multi-school system; and/or
- ☐ State contract.]

4. Because of the potential for purchasing more than public or non-public informal/small purchase threshold amount, or the Board approved threshold if less, it will be the responsibility of the School Business Administrator/Board Secretary to document the amounts to be purchased so the correct method of procurement will be followed.

C. Formal Procurement

When a formal procurement method is required, the following competitive sealed bid or an Invitation for Bid (IFB) or competitive proposal in the form of a Request for Proposal (RFP) procedures will apply:



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### Procurement Procedures for School Nutrition Programs

1. An announcement of an IFB or a RFP will be placed in the Board designated official newspaper to publicize the intent of the Board of Education to purchase needed items. The advertisement for bids/proposals or legal notice will be published in the official newspaper for at least one day in accordance with the provisions of N.J.S.A. 18A:18A-21.
2. An advertisement in the official newspaper for at least one day is required for all purchases over the school district's small purchase threshold as outlined in ~~Appendix~~— Federal Funds Procurement Method Section Chart – **State Agency Form #358**. The advertisement will contain the following:
  - a. A general description of items to be purchased;
  - b. The deadline for submission of questions and the date written responses will be provided, including addenda to bid specifications, terms, and conditions as needed;
  - c. The date of the pre-bid meeting, if provided, and if attendance is a requirement for bid award;
  - d. The deadline for submission of sealed bids or proposals; and
  - e. The address of the location where complete specifications and bid forms may be obtained.
3. In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications.
4. The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
5. The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document:
  - a. Contract period for the base year and renewals as permitted;



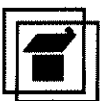
# PROPOSED POLICY

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### Procurement Procedures for School Nutrition Programs

- b. The Board of Education is responsible for all contracts awarded (statement);
- c. Date, time, and location of IFB/RFP opening;
- d. How the vendor is to be informed of bid acceptance or rejection;
- e. Delivery schedule;
- f. Requirements (terms and conditions) the bidder must fulfill in order for bid to be evaluated;
- g. Benefits to which the Board of Education will be entitled if the contractor cannot or will not perform as required;
- h. Statement assuring positive efforts will be made to involve small and minority businesses, women's business enterprises, and labor surplus area firms;
- i. Statement regarding the return of purchase incentives, discounts, rebates, and credits under a cost reimbursement FSMC contract to the Board of Education's nonprofit school food service account;
- j. Contract provisions as required in Appendix II to 2 CFR 200:
  - (1) Termination for cause and convenience – contracts in excess of \$10,000;
  - (2) Equal Opportunity Employment – “federally assisted construction contracts”;
  - (3) Davis-Bacon Act – construction contracts in excess of \$2,000;
  - (4) Contract work Hours and Safety Standards – contracts in excess of \$100,000;



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- (5) Right to inventions made under a contract or agreement – if the contract meets the definition of a “funding agreement” under 37 CFR 401.2(a);
  - (6) Clean Air Act – contracts in excess of \$150,000;
  - (7) Debarment and Suspension – all Federal awarded contracts;
  - (8) Byrd Anti Lobbying Amendment – contracts in excess of \$100,000; and
  - (9) Contracts must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- k. Contract provisions as required in 7 CFR 210.21(f) for all cost reimbursable contracts;
  - l. Contract provisions as required in 7 CFR 210.16(a)(1-10) and 7 CFR 250.53 for food service management company contracts;
  - m. Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding;
  - n. Price adjustment clause for renewal of multi-year contracts as defined in N.J.S.A. 18A:18A-42. The “index rate” means the annual percentage increase rounded to the nearest half percent in the implicit price deflator for State and local government purchases of goods and services computed and published quarterly by the U.S. Department of Commerce, Bureau of Economic Analysis;
  - o. Method of evaluation and type of contract to be awarded (solicitations using an IFB are awarded to the lowest responsive and responsible bidder; solicitations using a RFP are awarded to the most advantageous bidder/offeror with price as the primary factor among factors considered);



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### Procurement Procedures for School Nutrition Programs

- p. Method of award announcement and effective date (if intent to award is required by State or local procurement requirements);
- q. Specific bid protest procedures including contact information of person and address and the date by which a written protest must be received;
- r. Provision requiring access by duly authorized representatives of the Board of Education, New Jersey Department of Agriculture (NJDA), United States Department of Agriculture (USDA), or Comptroller General to any books, documents, papers, and records of the contractor which are directly pertinent to all negotiated contracts;
- s. Method of shipment or delivery upon contract award;
- t. Provision requiring contractor to maintain all required records for three years after final payment and all other pending matters (audits) are closed for all negotiated contracts;
- u. Description of process for enabling vendors to receive or pick up orders upon contract award;
- v. Provision requiring the contractor to recognize mandatory standards/policies related to energy efficiency contained in the Energy Policy and Conservation Act (PL 94-163);
- w. Signed statement of non-collusion;
- x. Signed Debarment/Suspension Certificate, clause in the contract or a copy of search results from the System for Award Management (SAM);



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### Procurement Procedures for School Nutrition Programs

- y. Provision requiring “Buy American” as outlined in 7 CFR Part 210.21(d) and USDA Guidance Memo SP 38-2017, including specific instructions for prior approval and documentation of utilization of non-domestic food products only;
  - z. Specifications and estimated quantities of products and services prepared by the school district and provided to potential contractors desiring to submit bids/proposals for the products or services requested; and
  - aa. The Board of Education’s Electronic Signature Policy.
6. If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, questions may be sent to the School Business Administrator/Board Secretary. The School Business Administrator/Board Secretary or designee’s response will be provided in writing to all potential bidders within 10 days.
- a. The School Business Administrator/Board Secretary will be responsible for providing responses to questions and securing all bids or proposals.
  - b. The School Business Administrator/Board Secretary will be responsible to ensure all Board of Education procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.
  - c. The following criteria will be used in awarding contracts as a result of bids/proposals. Price must be the highest weighted criteria. Examples of other possible criteria include quality, service, delivery, and availability.
7. In awarding a RFP, a set of award criteria in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. Price alone is not the sole basis for award, but remains the primary consideration among all factors when awarding a contract. Following evaluation and negotiations, a firm fixed price or cost reimbursable contract is awarded.



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- a. The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the Board of Education, price as the primary, and other factors considered. Any and all bids or proposals may be rejected in accordance with the law.
- b. The School Business Administrator/Board Secretary or designee is required to sign on the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.
- c. The School Business Administrator/Board Secretary shall review the procurement system to ensure compliance with applicable laws.
- d. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product specified was received.
- e. Any time an accepted item is not available, the School Business Administrator/Board Secretary will select the acceptable alternate. The contractor must inform the School Business Administrator/Board Secretary within one workday if a product is not available. In the event a nondomestic agricultural product is to be provided to the Board of Education, the contractor must obtain, in advance, written approval for the product. The School Business Administrator/Board Secretary must comply with the Buy American Provision.
- f. Full documentation regarding the reason an accepted item was unavailable, and the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is the School Business Administrator/Board Secretary.
- g. The School Business Administrator/Board Secretary is responsible for maintaining all procurement documentation.



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## D. Small Purchase Procedures

If the amount of purchases for items is less than the school district's small purchase threshold as outlined in the Federal Funds Procurement Method Selection Chart – **State Agency Form #358** ~~See Appendix~~, the following small purchase procedures including quotes will be used. Quotes from a minimum number of three qualified sources will be required.

1. Written specifications will be prepared and provided to all vendors.
2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of three vendors shall be contacted.
3. The School Business Administrator/Board Secretary or designee will be responsible for contacting potential vendors when price quotes are needed.
4. The price quotes will receive appropriate confidentiality before award.
5. Quotes/Bids will be awarded by the School Business Administrator/Board Secretary. Quotes/Bids will be awarded on the following criteria. Quote/Bid price must be the highest weighted criteria. Examples of other possible criteria include quality, service, delivery, and availability.
6. The School Business Administrator/Board Secretary will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and written specifications.
7. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product specified is received.
8. Any time an accepted item is not available, the School Business Administrator/Board Secretary will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.





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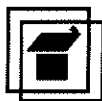
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9. The School Business Administrator/Board Secretary or designee is required to sign all quote tabulations, signifying a review and approval of the selections.

## E. Noncompetitive Proposal Procedures

If items are available only from a single source when the award of a contract is not feasible under small purchase, sealed bid or competitive negotiation, noncompetitive proposal procedures will be used:

1. Written specifications will be prepared and provided to the vendor.
2. The School Business Administrator/Board Secretary will be responsible for the documentation of records to fully explain the decision to use the noncompetitive proposal. The records will be available for audit and review.
3. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product or service specified was received.
4. The School Business Administrator/Board Secretary will be responsible for reviewing the procedures to be certain all requirements for using single source or noncompetitive proposals are met.
5. The noncompetitive micro-purchase method shall be used for one-time purchases of a new food item if the amount is less than the applicable Federal or State micro-purchase threshold to determine food acceptance by students and provide samples for testing purposes. A record of noncompetitive negotiation purchase shall be maintained by the School Business Administrator/Board Secretary or designee. At a minimum, the record of noncompetitive purchases shall include: item name; dollar amount; vendor; and reason for noncompetitive procurement.
6. A member or representative of the Board of Education will approve, in advance, all procurements that result from noncompetitive negotiations.



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## F. Miscellaneous Provisions

1. New product evaluation procedures will include a review of product labels and ingredients; an evaluation of the nutritional value; taste tests and surveys; and any other evaluations to ensure the new product would enhance the program.
2. The Board of Education agrees the reviewing official of each transaction will be the School Business Administrator/Board Secretary.
3. Payment will be made to the vendor when the contract has been met and verified and has met the Board of Education's procedures for payment. (If prompt payment is made, discounts, etc., are accepted.)
4. Specifications will be updated as needed.
5. If the product is not as specified, the following procedure, including, but not limited to, will take place: remove product from service; contact vendor for approved alternate product; or remove product from bid.

## G. Emergency Purchases

1. If it is necessary to make a one-time emergency procurement to continue service or obtain goods, and the public exigency or emergency will not permit a delay resulting from a competitive solicitation, the purchase must be authorized using a purchase order signed by the School Business Administrator/Board Secretary. The emergency procedures to be followed for such purchases shall be those procedures used by the school district for other emergency purchases consistent with N.J.S.A. 18A:18A-7. All emergency procurements shall be approved by the School Business Administrator/Board Secretary. At a minimum, the following emergency procurement procedures shall be documented to include, but not be limited to: item name; dollar amount; vendor; and reason for emergency.



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- H. Purchasing Goods and Services – Cooperative Agreements, Agents, and Third-Party Services (Piggybacking)
1. When participating in intergovernmental and inter-agency agreements the Board of Education will ensure that competitive procurements are conducted in accordance with 2 CFR Part 200.318 through .326 and applicable program regulations and guidance.
  2. When utilizing the services of a co-op, agent, or third party the Board of Education will ensure that the following conditions have been met and considered as one source of pricing in addition to other prices:
    - a. All procurements were subject to full and open competition and were made in accordance with Federal/State/local procurement requirements;
    - b. The existing contract allows for the inclusion of additional Board of Educations that were not contemplated in the original procurement to purchase the same supplies/equipment through the original award;
    - c. The specifications in the existing contract meets their needs and that the items being ordered are in the contract;
    - d. The awarded contract requires all the Federally required certifications; e.g. Buy American, debarment, restrictions on lobbying, etc.;
    - e. The agency will confirm the addition of their purchasing power (goods or services) to the procurement in scope or services does not create a material change, resulting in the needs to re-bid the contract;
    - f. Administrative costs (fees) for participating in the agreement are adequately defined, necessary and reasonable, and the method of allocating the cost to the participating agencies must be specified;



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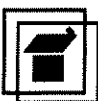
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- g. The Buy American provisions are included in the procurement of food and agricultural products; and
- h. The agreement includes the basis for and method of allocating each discount, rebate, or credit and how they will be returned to each participating agency when utilizing a cost-reimbursable contract.

## I. Records Retention

- 1. The Board of Education shall agree to retain all books, records, and other documents relative to the award of the contract for three years after final payment. If there are audit findings that have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit. Specifically, the Board of Education shall maintain, at a minimum, the following documents:
  - a. Written rationale for the method of procurement;
  - b. A copy of the original solicitation;
  - c. The selection of contract type;
  - d. The bidding and negotiation history and working papers;
  - e. The basis for contractor selection;
  - f. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
  - g. The basis for award cost or price;
  - h. The terms and conditions of the contract;
  - i. Any changes to the contract and negotiation history;
  - j. Billing and payment records;



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- k. A history of any contractor claims;
- l. A history of any contractor breaches; and
- m. Any other documents as required by N.J.S.A. 18A:18A – Public School Contracts Law.

## J. Code of Conduct for Procurement

1. All procurements must ensure there is open and free competition and adhere to the most restrictive Federal, State, and local requirements. The Board of Education seeks to conduct all procurement procedures in compliance with stated regulations and to prohibit conflicts of interest and actions of employees engaged in the selection, award, and administration of contracts. All procurements will be in accordance with this Policy and all applicable provisions of N.J.S.A. 18A:18A – Public School Contracts Law.
2. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal, State, or local award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent; any member of his or her immediate family, his or her partner; or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
3. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.



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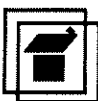
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4. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity. Based on the severity of the infraction, the penalties could include a written reprimand to their personnel file, a suspension with or without pay, or termination.
5. All questions and concerns regarding procurement solicitations, contract evaluations, and contract award, shall be directed to the School Business Administrator/Board Secretary.

K. Food Service Management Company (FSMC)

1. In the operation of the school district's food service program, the school district shall ensure that a FSMC complies with the requirements of the Program Agreement, the school district's Free and Reduced School Lunch Policy Statement, all applicable USDA program policies and regulations, and applicable State and local laws. In order to operate an a la carte food service program, the FSMC shall agree to offer free, reduced price, and full price reimbursable meals to all eligible children.
2. The school district shall monitor the FSMC billing invoices to ensure compliance with Federal and State procurement regulations.
3. In accordance with N.J.S.A. 18A:18A-5a.(22), RFPs are required in all solicitations for a FSMC.

N.J.S.A. 18A:18A – Public School Contracts Law  
New Jersey Department of Agriculture  
“Procurement Procedures for School Food  
Authorities” Model Policy – September 2018



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## APPENDIX

FEDERAL FUNDS PROCUREMENT METHOD SELECTION CHART		
THERE ARE TWO (2) PROCUREMENT METHODS, FORMAL AND INFORMAL. THE METHOD THE SCHOOL FOOD AUTHORITIES (SFA) NEEDS TO USE DEPENDS ON TWO (2) FACTORS, THE AMOUNT OF THE CONTRACT AND WHETHER THE SFA IS A PUBLIC/CHARTER OR NON-PUBLIC SCHOOL.		
NEW JERSEY PUBLIC/CHARTER SCHOOLS PURCHASING THRESHOLDS		
AMOUNT	ACTIVITY	PROCUREMENT METHOD
INFORMAL PROCUREMENT		
Below \$4,350 without QPA	N.J.S.A. 18A:18A-3	Sound Business Practice *
Below \$6,000 with QPA	APPLIES TO PURCHASES BELOW THE QUOTATION THRESHOLDS	
SMALL PURCHASE QUOTATION PROCEDURES		
\$4,351 OR \$6,001 up to \$29,000 or \$40,000	N.J.S.A. 18A:18A-37 ANY PURCHASE EXCEEDING QUOTATION THRESHOLDS REQUIRES A QUOTE UP TO THE APPLICABLE N.J.S.A. BID THRESHOLDS OF \$29,000 (without a QPA*) OR \$40,000 (with a QPA*)	Quotation using SFA Internal Procurement Procedures
NOTE: ANNUAL AGGREGATE AMOUNTS		
FORMAL PROCUREMENT		
\$29,000 or \$40,000 and above	N.J.S.A. 18A:18A-37 Bid Threshold without a QPA* - \$29,000 Bid Threshold with a QPA* - \$40,000	Bid - Invitation for Bid (IFB) OR Request for Proposal (RFP)
* QUALIFIED PURCHASING AGENT		
NEW JERSEY NON-PUBLIC SCHOOL PURCHASING THRESHOLDS		
AMOUNT	ACTIVITY	PROCUREMENT METHOD
INFORMAL PROCUREMENT		
Below \$10,000 *	Micro - purchases 2 CFR 200.320(a) Single Transaction aggregate cost less than \$10,000	Sound Business Practice *
* Or LESS than \$10,000 if local SFA Procurement Policies are more restrictive		
\$10,001 - \$249,999	Small purchase procedures 2 CFR 200.320(b)	Quotation using SFA Internal Procurement Procedures
FORMAL PROCUREMENT		
\$250,000 and above	As per Federal requirements in 2 CFR Parts 200.317 - 200.326	Bid - Invitation for Bid (IFB) OR Request for Proposal (RFP)

Note: The Federal Funds Procurement Method Selection Chart is subject to change in accordance with the schedule set forth in N.J.S.A. 18A:18A-3 "Public School Contracts Law". A "Qualified Purchasing Agent" must be qualified in accordance with N.J.S.A. 40A:11-9. In order to track updates to this Chart, the source document can be located on the New Jersey Department of Agriculture's website under "Forms and Publications" it is titled, "State Agency Form #358."

First Reading: 20 July 2021

