

REGULATION

PARSIPPANY-TROY HILLS TOWNSHIP SCHOOL DISTRICT

FOREWORD

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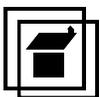
FOREWORD

The Board of Education has authorized the Superintendent to promulgate administrative regulations except where approval by the Board is required by statute or administrative code for the orderly operations of the Parsippany-Troy Hills Township School District that are binding on all pupils, employees, and visitors to the district.

These administrative regulations are intended to give direction to staff members in carrying out Board policies, statutory mandates, and contractual obligations. The operations directed by these regulations should be efficient, amenable to assessment, and considerate of the needs and rights of pupils and employees. Any suggestions for additions or improvements that help attain these objectives are welcome.

These regulations apply to the entire school district. Principals may establish additional rules as necessary to apply these regulations to their school, provided that school rules do not exceed the authority set forth in these regulations.

These regulations will be made available to each employee. Employees and pupils who violate these regulations are subject to disciplinary action.



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R 1000 ADMINISTRATION

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R 1240	Evaluation of Superintendent
R 1330	Evaluation of School Business Administrator
R 1400	Job Descriptions
R 1510	Rights of Persons With Handicaps or Disabilities/Non-Discrimination
R 1530	Equal Employment Opportunity Complaint Procedure
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R 1613	Disclosure And Review Of Applicant's Employment History



R 1240 EVALUATION OF SUPERINTENDENT

- A. Roles and Responsibilities for the Implementation of the Annual Evaluation Policy and Procedures
1. The Board of Education and the Superintendent will develop and the Board will adopt a job description and evaluation criteria for the Superintendent's position based upon the Board's local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties, and responsibilities of the Superintendent.
 2. The Superintendent shall have primary responsibility for data collection and reporting methods appropriate to the job description.
 3. The Board President, or the Board President's designee, shall oversee the annual evaluation of the Superintendent.
 4. The Board President shall establish timelines for completion of the annual evaluation of the Superintendent.
- B. Annual Summary Conference
1. The Board of Education shall conduct an annual summary conference with the Superintendent to develop and prepare an annual performance report.
 2. The annual summary conference between the Board of Education, with a majority of its total membership present, and the Superintendent shall be held before the annual performance report is prepared and filed.
 3. The Superintendent shall submit to all Board members any information, documents, statistics, or any other data or information he/she would like for the Board members to consider at the annual summary conference.



4. The Board President, or the Board President's designee, shall preside over the Board's annual summary conference meeting.
 5. The conference shall be held in executive session, unless the Superintendent requests it be held in public. The conference shall include, but not be limited to, review of the following:
 - a. Performance of the Superintendent based upon the Board approved job description;
 - b. Progress of the Superintendent in achieving and/or implementing the school district's goals, program objectives, policies, instructional priorities, State goals, and statutory requirements; and
 - c. Indicators of student progress and growth toward program objectives.
- C. Annual Performance Report
1. The annual performance report shall be prepared and approved by a majority of the Board of Education's total membership by July 1 and shall include, but not be limited to:
 - a. Performance area(s) of strength;
 - b. Performance area(s) needing improvement based upon the job description and evaluation criteria set forth in N.J.A.C. 6A:10-8.1(c)2;
 - c. Recommendations for professional growth and development;
 - d. Summary of indicators of student progress and growth, and a statement of how the indicators relate to the effectiveness of the overall program and the Superintendent's performance; and



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Evaluation of Superintendent

- e. Provision for performance data not included in the report to be entered into the record by the Superintendent within ten teaching staff member working days after the report's completion.
2. The Board President, or the Board President's designee, shall prepare a draft of the annual performance report after the annual summary conference.
3. The draft of the annual performance report shall be disseminated to all Board members for review and comment before presenting the draft report to the Superintendent.
 - a. In the event a Board member believes a provision(s) of the draft of the annual performance report is not in accord with the provisions agreed to by a majority of the Board during the annual summary conference, the Board member shall submit in writing their proposed revision(s) to the drafter of the annual performance report. The draft of the annual performance report may be revised by the drafter of the report if the drafter agrees with the Board member's proposed revision. In the event the drafter does not agree with the proposed revision(s), the issue shall be presented to the full membership of the Board of Education in executive session to make a final determination.
4. The draft of the annual performance report shall be presented to the full membership of the Board of Education in executive session for discussion and approval after the draft report has been disseminated to all Board members for review. The Superintendent shall receive a copy of the draft of the annual performance report from the Board President, or Board President's designee, prior to the executive session where the Board is scheduled to discuss and approve.
5. In the event the Superintendent does not agree with a provision(s) in the draft of the annual performance report, the Superintendent shall be provided an opportunity to discuss with the full membership of the Board reconsideration of the disputed provision(s).



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6. A majority of the Board's full membership shall approve the draft of the annual performance report before presenting the final annual performance report to the Superintendent.
 7. The Superintendent may submit a written response to the final annual performance report, which shall be attached to the report.
- D. Nontenured Superintendent of Schools
1. The evaluation procedure for a nontenured Superintendent shall also be completed by July 1 each year.

Adopted: 8 January 2009

Revised:



R 1330 EVALUATION OF SCHOOL BUSINESS ADMINISTRATOR

A. Frequency of Evaluation

The Superintendent will evaluate the performance of the School Business Administrator annually, no later than June 30, or more frequently as the Superintendent deems necessary.

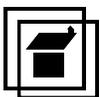
B. Purpose

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

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

C. Evaluation Criteria

1. Criteria for the evaluation of the School Business Administrator will be based upon the job description and will relate directly to each of the tasks described. Each criteria will be brief and will focus on a major function of the position, be based on observable information rather than factors requiring subjective judgment, and be written in a consistent format.
2. The Board shall develop and approve criteria for the evaluation which will be reviewed as necessary and as requested by the School Business Administrator but not less than annually, and upon any revision of the School Business Administrator's job description. Any proposed revision of the evaluation criteria will be provided to the School Business Administrator for comment before its adoption, and a copy of the adopted revision shall be provided to the School Business Administrator within ten working days of its adoption.
3. On or about June 30, the Superintendent will complete a written evaluation of the School Business Administrator.



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Evaluation of School Business Administrator

4. Upon completion, the Superintendent will provide a copy of the evaluation to the School Business Administrator.
 5. The Superintendent and School Business Administrator will meet for an Annual Summary Conference to discuss the evaluation, establish a plan for performance, improvement, and growth.
 6. An opportunity will be provided for the School Business Administrator to enter performance data not included in the annual performance report and to respond to any commentary in the written evaluation.
- D. Collection and Reporting of Evaluation Data

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

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

An annual written performance report shall be prepared, no later than June 30, by the Superintendent. The report will include, but need not be limited to:

1. Performance areas needing improvement;



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2. A plan for professional growth and development; and
 3. Provision for performance data not included in the report which may be entered into the report by the School Business Administrator within ten working days after the completion of the report.
- F. Conduct of Annual Performance Conference
1. An annual summary conference with the School Business Administrator will be conducted by the Superintendent before the annual performance report is filed.
 2. The conference shall include but need not be limited to:
 - a. A performance review based upon achieving and implementing, as applicable, the district's goals, program objectives, policies, priorities, and statutory requirements;
 - b. A review of the most recent audit report; and
 - c. Growth toward the performance objectives established in the previous performance conference.
 3. The purpose of the annual performance conference shall be to provide a total review of the year's work, to identify strategies for improvement where necessary, to recognize achievement and good practice, and to specify a plan for professional growth and development. Adequate time shall be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
 4. The annual performance report will be signed by the Superintendent at the time of the annual performance conference and by the School Business Administrator within ten working days of that conference. It will be filed in the School Business Administrator's personnel file, and a copy will be provided to him/her.
 5. It will be the duty of the School Business Administrator to implement the plan for professional growth as prepared; his/her failure to do so may result in disciplinary action up to and including certification of tenure charges.

Issued: 8 January 2009



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Job Descriptions
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R 1400 JOB DESCRIPTIONS

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

Adopted: 8 January 2009



R 1510 AMERICANS WITH DISABILITIES ACT

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

A. Definitions

1. “Act” means the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008.
2. “Auxiliary aids and services” are identified based on the context of the communication and the individual’s disability. 28 CFR §35.104

They include, but are not limited to:

- a. Effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
 - b. Effective methods of making visually delivered materials available to individuals who are blind or have low vision;
 - c. Acquisition or modification of equipment or devices or similar services and actions; and
 - d. Other similar services and actions.
3. “Board” means the Board of Education of this school district.
 4. “Companion” means a family member, friend, or associate of an individual seeking access to a service, program, or activity of a school district, who, along with such individual, is an appropriate person with whom the district should communicate.



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5. “Complete complaint” means a written statement, signed by the complainant or someone authorized to do so on his/her behalf, containing the complainant's name and address and describing the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation. 28 CFR §35.104
6. “Current illegal use of drugs” means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.
7. “Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 CFR §35.139
8. “Disability” means, with respect to an individual, that the individual meets one or more of the following three prongs:
 - a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
 - b. A record of such an impairment; or
 - c. Being regarded as having such an impairment.
9. “District” means this school district.
10. “District Coordinator” means the district official responsible for the coordination of activities relating to compliance with the Act.
11. “Drug” means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act. 21 U.S.C. §812
12. “Employee” means an individual employed by the Board.
13. “Essential functions of the employment position” are based upon the employer’s judgment and can include an employer’s written description, prepared before advertising or interviewing applicants for the job.



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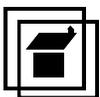
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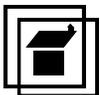
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14. “Existing facility” means a facility in existence on any given date, newly constructed or altered.
15. “Facility” means all or any portion of buildings, property, or structures, including the site where the building, property, structure, or equipment is located.
16. “Illegal use of drugs” means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. 21 U.S.C. §812
17. “Individual with a disability” means a person who has a disability and does not include an individual currently engaging in the illegal use of drugs, when the district acts on the basis of such use.
18. “Major life activities” means those of central importance to daily life and include, but are not limited to, functions such as: caring for one’s self, performing manual tasks, walking, seeing, hearing, eating, sitting, reaching, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. “Major life activities” also includes physical or mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system. 28 CFR §35.108; 28 CFR §36.105
19. “Mitigating measures” means steps taken to eliminate or reduce the symptoms or impact of an impairment. “Mitigating measures” include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or other implantable hearing devices; oxygen therapy equipment and



supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102

- a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.
20. “Office for Civil Rights” (OCR) means the United States Department of Education Office for Civil Rights.
 21. “Other power-driven mobility device” means any mobility device powered by batteries, fuel, or other engines used by individuals with mobility disabilities for the purpose of locomotion, including any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. 28 CFR §35.104
 22. “Physical or mental impairment” means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR§36.105(b)4



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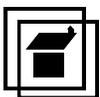
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- a. Physical or mental impairments may include, but are not limited to: contagious and noncontagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
 - b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.
 - c. An impairment that is episodic or in remission may be considered a “disability” if it would substantially limit a major life activity when active.
 - d. Not all impairments are disabilities.
23. “Public entity” means this Board of Education.
24. “Qualified individual” for the purposes of employment, means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position (based upon the employer’s judgment) that such individual holds or desires. An employer’s written description, prepared before advertising or interviewing applicants for the job, shall be considered evidence of the essential functions of the job. 42 U.S.C. 126 §12111(8)



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



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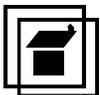
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- a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.
- b. That it does not demand extensive analysis.
- c. That it substantially limits one major life activity, but not necessarily other major life activities.
- d. That it may be episodic or in remission, as long as the impairment would substantially limit a major life activity when active.
- e. That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.
- f. That it requires an individualized assessment which does not create an “inappropriately high level of limitation” and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).
- g. That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate evidence that can be considered may include statements or affidavits of affected individuals and school records).
- h. That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.
- i. That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: “actual disability” or “record of”.



29. “Undue hardship” means an action requiring significant difficulty or expense when considered in light of factors which include: the nature and cost of the needed accommodation; the overall financial resources of the district or facility providing the reasonable accommodation; the size of the district with respect to the number of employees; effect on expenses and resources, or the impact otherwise of accommodation upon the operation of the facilities; and the type/location of facilities. 42 U.S.C. 126 §12111 (10)
 30. “Wheelchair” means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability.
- B. General Requirements
1. Prohibitions Against Discrimination
 - a. Discrimination is prohibited against a qualified individual on the basis of a disability. Such individual will not be excluded from participation in or denied the benefits of district services, programs, or activities or be subjected to discrimination by the district in accordance with 28 CFR §35.130. The district must ensure that:
 - (1) When services, programs, and activities are viewed in their entirety, they are accessible to and usable by individuals with disabilities; and
 - (2) Access to services, programs, and activities is provided in an integrated setting unless separate programs are necessary to ensure equal benefits.
 - b. The district is not required to take any action that would result in a fundamental alteration of the nature of the program or activity or undue financial or administrative burden. However, claiming undue burden still requires the district to provide access through means that would not result in a fundamental alteration or undue financial or administrative burden.



2. Direct Threat - 28 CFR §35.139
 - a. The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.
 - b. To determine whether an individual poses a direct threat to the health or safety of others, the district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:
 - (1) The nature, duration, and severity of the risk;
 - (2) The probability that the potential injury will actually occur; and
 - (3) Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
3. Illegal Use of Drugs - 28 CFR §35.131
 - a. The district will not discriminate on the basis of past illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who:
 - (1) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;
 - (2) Is participating in a supervised rehabilitation program; or
 - (3) Is erroneously regarded as engaging in such use.



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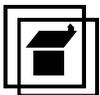
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- b. While the Act does not prohibit discrimination against an individual based on that individual's current illegal use of drugs, the district will not deny health services or services provided in connection with drug rehabilitation to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.
- c. The Act does not prohibit the district from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

C. Personal Devices and Services

- 1. The district will permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. 28 CFR §35.137
- 2. The district will make reasonable modifications to permit the use of other power-driven mobility devices by individuals with mobility disabilities unless the district can demonstrate that the power-driven device cannot be operated in accordance with legitimate safety requirements pursuant to 28 CFR §35.137. The district will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. The district may require the individual to provide credible assurance that the device is required because of the person's disability.
- 3. The district is not required to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing pursuant to 28 CFR §35.135.



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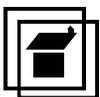
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D. Employment - 42 U.S.C. 126 §12112

1. Discrimination in Employment

- a. The Board will not discriminate against a qualified individual on the basis of disability in regard to job application procedures; hiring, advancement, or discharge; compensation; job training; and other terms, conditions, and privileges of employment.
- b. Applicants and employees working for or applying to work for the district who qualify for a job and are able to perform the essential functions of that job are entitled to reasonable accommodations provided that such accommodations do not pose undue hardship for the district.
- c. Nothing in the Act shall be construed to preempt, modify, or amend any State, county, or local law, ordinance, or regulation as outlined in N.J.A.C. 6A:32-4.1 et seq.
- d. The school district may not, on the basis of disability:
 - (1) Limit, segregate, or classify a qualified individual in a way that adversely affects his/her opportunities or status of such employee, applicant, or participant in a contractual or other arrangement;
 - (2) Utilize standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability or perpetuate the discrimination of others subject to common administrative control;
 - (3) Exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to associate or have a relationship;



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- (4) Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual with a disability or deny employment opportunities to such qualified individual unless the district can demonstrate that the accommodation would impose undue hardship to district operations;
 - (5) Use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out individuals with disabilities unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity; and/or
 - (6) Select and administer tests concerning employment to otherwise qualified individuals who possess impaired sensory, manual, or speaking skills, unless done in an effective manner to ensure that, when such tests are administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the skills, aptitude, or other factors such tests purport to measure rather than reflecting the impaired sensory, manual, or speaking skills of the employee or applicant (except where such skills are the factors that the test purports to measure).
2. Medical Examinations and Inquiries - (42 U.S.C. 126 §12112)
 - a. Pre-employment
 - (1) Prohibited examination or inquiries:
 - (a) Whether such an applicant is an individual with a disability; or
 - (b) The nature or severity of such disability.



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PARSIPPANY-TROY HILLS TOWNSHIP SCHOOL DISTRICT

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- (2) Acceptable inquiry:
 - (a) The ability of an applicant to perform job-related functions.
- b. Employment Entrance Examinations
 - (1) The district may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:
 - (a) All entering employees are subject to such an examination regardless of disability;
 - (b) Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:
 - i. Supervisors and managers may be informed regarding necessary restrictions on work or duties of the employees and necessary accommodations;
 - ii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
 - iii. Government officials investigating compliance with this Act, will be provided relevant information on request.
 - (2) The results of such examination shall only be used in accordance with these provisions.



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- c. Examination and Inquiry:
 - (1) Prohibited examinations and inquiries:
 - (a) The district will not require a medical examination and will not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.
 - (2) Acceptable examinations and inquiries:
 - (a) The district may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees in the district.
 - (b) The district may make inquiries into the ability of an employee to perform job-related functions.
- 3. Defenses - 42 U.S.C. 126 §12113
 - a. Qualification Standards
 - (1) It may be a defense to a charge of discrimination under the Act that an alleged application of qualification standards, tests, or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under the Act.



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- (a) The term "qualification standards" may include a requirement that an individual will not pose a direct threat to the health or safety of other individuals in the workplace.
 - (b) Notwithstanding 42 U.S.C. 126 §12102 (4)(E)(ii), the Board will not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.
- b. Infectious and Communicable Diseases
 - (1) In any case in which an individual has an infectious or communicable disease included on the list developed by the United States Secretary of Health and Human Services in accordance with the Act, and which cannot be eliminated by reasonable accommodation, and that is transmitted to others through the handling of food, the Board and its administration may refuse to assign or allow such individual to continue to work in a job involving food handling.
- c. Illegal Use of Drugs and Alcohol - 42 U.S.C. 126 §12114
 - (1) An individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, with exceptions noted in section B.3. of this Regulation.



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PARSIPPANY-TROY HILLS TOWNSHIP SCHOOL DISTRICT

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- (2) The Board will hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior as other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee.

d. Drug Testing

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

E. Program Accessibility

1. Discrimination Prohibited

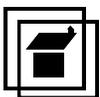
- a. Except as otherwise provided in 28 CFR §35.150, no qualified individual with a disability will, because the district's facilities are inaccessible to or unusable by individuals with disabilities, including inside or outside access to such facilities, may be excluded from participation in, or be denied the benefits of the services, programs, or activities of the district, or be subjected to discrimination by the district.
- b. The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by individuals with disabilities. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 CFR §35.133



- (1) In regard to existing facilities, the district will operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.
 - (a) The district is not required to fundamentally alter the nature of a service, program, or activity, or assume undue financial or administrative burdens, or take any action threatening the historic significance of a historic property and has the burden of proving that compliance with the Act would result in such alterations or burdens. 28 CFR §35.150(a)
 - (b) Should the Board and Superintendent of Schools or his/her designee determine, after considering all resources available, that compliance would result in such alteration or burden, a written statement of reasons must accompany such a determination.
 - (c) The Board will take any other action, including, but not limited to redesign or acquisition of equipment, or reassignment of services or staff, that would not result in such alteration or burden, but would, nevertheless, ensure that individuals with disabilities receive the benefits/services provided by the district.
- (2) In regard to new construction and alterations, each facility or part of a facility constructed by, on behalf of, or for the use of the district will be designed and constructed in such manner, in accordance with 28 CFR §35.151, that the facility or part of the facility is readily accessible to and usable by individuals with disabilities.

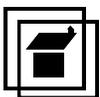


- (a) Full compliance with the requirements of 28 CFR §35.151 is not required where the district can demonstrate that it is structurally impracticable to meet the requirements.
 - (b) If providing accessibility in conformance with 28 CFR §35.151 to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with 28 CFR §35.151.
- F. Communications - 28 CFR §35.160
 - 1. The district will take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.
 - 2. The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.
 - a. Auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
 - b. The district will not require an individual with a disability to bring another individual to interpret with a disability. The district will not rely on an adult accompanying an individual with a disability or on a minor child to interpret



or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interprets or facilitates communication, the accompanying adult agrees to provide such assistance, and reliance on that adult is appropriate under the circumstances.

3. Where the district communicates by telephone with applicants and beneficiaries who are deaf, hard of hearing, or who have speech impairments, text telephones (TTYs) or equally effective telecommunications systems equipped with emergency service access will be used to communicate, in the same time and manner as with other telephone systems (including automated systems). 28 CFR §35.161
 4. The district will ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities, including signage at all inaccessible facility entrances. 28 CFR §35.163
- G. Grievance Procedure - 28 CFR §35.107(b)
1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall first discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
 2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the District Coordinator. The complaint will include:
 - a. The complainant's name and address;
 - b. The specific act or practice of which the complainant complains;



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- c. The employee, if any, responsible for the allegedly discriminatory act;
 - d. Results of discussions conducted in accordance with paragraph G.1. above; and
 - e. Reasons why those results are not satisfactory.
3. The District Coordinator will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the District Coordinator may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require at the hearing the presence of the staff member charged with a discriminatory act and any other person with knowledge of the complained act.
6. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.



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7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the School Business Administrator/Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:
 - a. The original complaint;
 - b. The response to the complaint;
 - c. The Superintendent's decision;
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
 - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. If a staff member is charged with a discriminatory act, the Board will provide a copy of the appeal to that staff member.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section – 1425 NYAV
Washington, D.C. 20530



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12. An individual who believes he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the district may, by himself/herself, or an authorized representative, at any time, file a complaint directly with OCR.
13. Record:
 - a. The record of any complaint processed in accordance with this procedure will be maintained in a file kept by the District Coordinator.
 - b. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

Adopted: 8 January 2009

Revised: 13 April 2017



REGULATION

PARSIPPANY-TROY HILLS TOWNSHIP SCHOOL DISTRICT

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Equal Employment Opportunity
Complaint Procedure

M

R 1530 EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for employment the opportunity to appeal an alleged denial of equal employment opportunity in violation of State statutes and administrative codes, and Federal laws and Policy 1530, guaranteeing “equal access to all categories of employment without regard to the candidate’s race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability.”
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual employees.

B. Definitions

1. “Board of Education” means the Board of Education of the Parsippany-Troy Hills Township School District.
2. “Complaint” means an alleged discriminatory act or practice.
3. “Complainant” means a staff member who alleges a discriminatory act or practice.
4. “Day” means a working or calendar day as identified.
5. “Discriminatory act or practice” means denial of equal employment opportunity in violation of state and federal laws and Policy 1530.
6. “School district” means the Parsippany-Troy Hills Township School District School District.



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PARSIPPANY-TROY HILLS TOWNSHIP SCHOOL DISTRICT

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Equal Employment Opportunity
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C. Procedure

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
 - a. The complainant's name and address,
 - b. The specific act or practice that the complainant complains of,
 - c. The school employee, if any, responsible for the allegedly discriminatory act,
 - d. The results of discussions conducted in accordance with paragraph C1, and
 - e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.



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6. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:
 - a. The original complaint,
 - b. The response to the complaint,
 - c. The Superintendent's decision,
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
 - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the:
 - a. Commissioner of Education
New Jersey State Department of Education
P.O. Box 500
Trenton, New Jersey 08625-0500
Telephone: (877) 900-6960 or the



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- b. New Jersey Division on Civil Rights
Trenton Regional Office
Office of the Attorney General
140 East Front Street – 6th Floor
Trenton, New Jersey 08625-0090
Telephone: (609) 292-4605

D. Record

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

Issued: 8 January 2009
Revised: 8 September 2016



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PARSIPPANY-TROY HILLS TOWNSHIP SCHOOL DISTRICT

ADMINISTRATION

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Equal Employment/Anti-Discrimination
~~Affirmative Action Program for Employment~~
~~and Contract Practices Complaint Procedure~~

M

R 1550 **EQUAL EMPLOYMENT/ANTI-DISCRIMINATION**
AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT
AND CONTRACT PRACTICES COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any **school** district employee or candidate for **school** district employment the opportunity to appeal an alleged violation of the **school** district's Affirmative Action Program for employment and contract practices, as set forth in Policy ~~№~~ 1550 or in a plan formally adopted by the Board of Education and approved by the Commissioner.
2. No qualified handicapped person, shall, on the basis of handicap, be subjected to discrimination in employment and the Board will take positive steps to employ and advance in employment qualified handicapped persons in programs and activities.
3. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
4. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
5. All participants in the procedure will respect the confidentiality that this **school** district accords to information about individual staff members.

B. Definitions

1. "Board of Education" means the Board of Education of the Parsippany-Troy Hills Township School District.
2. "Complaint" means an alleged violation of the **school** district's Affirmative Action Plan or Policy.



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Equal Employment/Anti-Discrimination
~~Affirmative Action Program for Employment~~
~~and Contract Practices Complaint Procedure~~

3. “Complainant” means a staff member who alleges a violation of the **school** district’s Affirmative Action Plan or Policy No. 1550.
 4. “Day” means a **business day** ~~working~~ or calendar day as identified.
 5. “School district” or “**district**” means the Parsippany-Troy Hills Township School District.
 6. “Violation” means the failure of a **school** district official or employee to take the positive steps outlined in Policy No. 1550 or the duly approved Affirmative Action Plan to remove impermissible bias or preference from all aspects of **school** district employment or contract practices and/or to correct the results of past discrimination.
- C. Procedure
1. A ~~C~~complainant who believes ~~that~~ he/she has been harmed or adversely affected by a failure to enforce the **school** district’s Affirmative Action Plan for employment and contract practices shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
 - a. **In the event the Complainant believes their immediate supervisor may be conflicted or if the immediate supervisor is not available, the Complainant may proceed directly to the school district’s Affirmative Action Officer as outlined in C.2. below.**
 - b. **In the event the Complainant believes the school district’s Affirmative Action Officer may be conflicted, the Complainant may submit a written complaint to the Superintendent of Schools who will designate a supervisor or administrative staff member to conduct the investigation in accordance with the procedures outlined in this Regulation. The Superintendent will ensure the supervisor or administrative staff member is provided affirmative action training in accordance with State mandates and guidelines.**



REGULATION

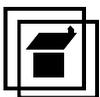
PARSIPPANY-TROY HILLS TOWNSHIP SCHOOL DISTRICT

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Equal Employment/Anti-Discrimination
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~~and Contract Practices Complaint Procedure~~

2. If the matter is not resolved to the satisfaction of the Ceomplainant within **ten business** ~~thirty working~~ days, the Ceomplainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
 - a. The Ceomplainant's name and address;;
 - b. The specific failure to act that the Ceomplainant complains of;;
 - c. The school officer or employee, if any, responsible for the alleged violation of the Affirmative Action Plan;;
 - d. The results of discussions conducted in accordance with paragraph **C.1.-;** and
 - e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven **business working** days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three **business working** days after it has been received by the Ceomplainant. The appeal will include the original complaint, the response to the complaint, and the Ceomplainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have violated the Affirmative Action Plan.
5. ~~On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision),~~ **Upon request,** the Ceomplainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven **business working** days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation complained of.



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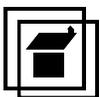
PARSIPPANY-TROY HILLS TOWNSHIP SCHOOL DISTRICT

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Equal Employment/Anti-Discrimination
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6. The Superintendent will render a written decision in the matter no later than seven **business working** days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties ~~and to the Board of Education.~~
7. The Ceomplainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three **business working** days after receipt of the Superintendent's decision. The appeal will include:
 - a. The original complaint;;
 - b. The response to the complaint;;
 - c. The Superintendent's decision;;
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
 - e. The Ceomplainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the Ceomplainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.



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Equal Employment/Anti-Discrimination
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11. The Ceomplainant will be informed of his/her right to appeal the Board's decision to the:

a. Commissioner of Education
New Jersey State Department of Education
P.O. Box 500
Trenton, New Jersey 08625-0500, **or**
~~Telephone: (877) 900-6960 or the~~

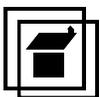
b. New Jersey Division on Civil Rights
~~Trenton-Central~~ Regional Office
~~Office of the Attorney General~~
140 East Front Street – 6th Floor
Trenton, New Jersey 08625-0090
~~Telephone: (609) 292-4605~~

D. Record

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

Issued: 8 January 2009

Revised:



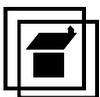
R 1613 DISCLOSURE AND REVIEW OF APPLICANT'S EMPLOYMENT HISTORY

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

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

For the purposes of this Policy and Regulation:

1. "Applicant" means any person considered for employment or offered employment for pay or contract for the paid services of any person serving in a position which involves regular contact with students.
2. "Child abuse" means any conduct that falls under the purview and reporting requirements of N.J.S.A. 9:6-8.8 et seq. and is directed toward or against a child or student, regardless of the age of the child or student.
3. "Disclosure Information Request Form" shall be the State of New Jersey Sexual Misconduct/Child Abuse Disclosure Information Request, P.L. 2018, Chapter 5 or a similar form developed by the hiring entity.
4. "Disclosure Release Form" shall be the State of New Jersey Sexual Misconduct/Child Abuse Disclosure Release, P.L. 2018, Chapter 5 or a similar form developed by the hiring entity.



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Disclosure and Review of Applicant's
Employment History

5. "Hiring entity" means all school entities including school districts, charter schools, nonpublic schools, or contracted service providers holding a contract with a school district, charter school, or nonpublic school.
 6. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.
- B. Hiring Entity Required Application and Review Process
(N.J.S.A. 18A:6-7.7)
1. A hiring entity shall not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students unless the hiring entity complies with the provisions of N.J.S.A. 18A:6-7.6 et seq.
 - a. The hiring entity shall require an applicant to provide a Disclosure Release Form which must include the following information:
 - (1) A list, including name, address, telephone number, and other relevant contact information of the applicant's:
 - (a) Current employer;
 - (b) All former employers within the last twenty years that were schools; and
 - (c) All former employers within the last twenty years where the applicant was employed in a position that involved direct contact with children; and



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PARSIPPANY-TROY HILLS TOWNSHIP SCHOOL DISTRICT

ADMINISTRATION

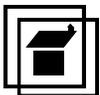
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Disclosure and Review of Applicant's
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- (2) A written authorization that consents to and authorizes disclosure of the information requested under b. below pursuant to N.J.S.A. 18A:6-7.7.a.(2) and the release of related records by the applicant's employers listed under B.1.a.(1) above, and that releases those employers from liability that may arise from the disclosure or release of records;
- (3) A written statement as to whether the applicant:
 - (a) Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, unless the investigation resulted in a finding the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
 - (b) Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
 - (c) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.
- (4) The hiring entity must comply with the requirements of N.J.S.A. 18A:6-7.6 et seq. for every applicant who will be employed by the hiring entity.
 - (a) However, the provisions of N.J.S.A. 18A:6-7.6 et seq. may be required by the hiring entity for any applicant.



- b. The Superintendent or designee of the hiring entity will review the applicant's Disclosure Release Form. Upon determining to continue the application process, the Superintendent or designee shall provide the applicant's Disclosure Release Form to all employers listed by the applicant under the provisions of N.J.S.A. 18A:6-7.7.a.(1) and B.1.a.(1) above and provide all employers listed with the applicant's written authorization that consents to and authorizes disclosure in accordance with N.J.S.A. 18A:6-7.7.a.(2) and B.1.a.(2) and request the following information:
- (1) The dates of employment of the applicant; and
 - (2) A statement as to whether the applicant:
 - (a) Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, unless the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
 - (b) Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
 - (c) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.
- c. The review of the applicant's employment history may be conducted through telephonic, electronic, or written communications in accordance with N.J.S.A. 18A:6-7.7.



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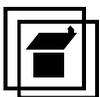
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Disclosure and Review of Applicant's
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- (1) If the review is conducted by telephone, the results of the review shall be documented in writing by the Superintendent or designee responsible for reviewing the applicant's employment history. The Superintendent or designee may use the Disclosure Release Form to complete this review.
2. After reviewing the information disclosed by an employer under B.1.b. above and finding an affirmative response to any of the inquiries listed and if the Superintendent or designee of the hiring entity determines to continue with the applicant's job application process, the Superintendent or designee shall make further inquiries of the applicant's current and/or former employer(s) to ascertain additional details regarding the matter disclosed pursuant to N.J.S.A. 18A:6-7.10.
 - a. The Superintendent or designee shall make these additional inquiries by requesting the current and/or former employer to complete the Disclosure Information Request Form and attach additional information, including the initial complaint and final report, if any, regarding the incident of child abuse or sexual misconduct.
 - b. The Superintendent, upon receiving and reviewing the additional information disclosed in accordance with B.2.a. above, will make a determination to continue with the applicant's job application process.
3. All employment history documentation for each applicant employed by the hiring entity in accordance with N.J.S.A. 18A:6-7.6 et seq. shall be maintained in the employee's personnel file. All employment history documentation for an applicant not hired shall be maintained by the Superintendent or designee and destroyed in accordance with the New Jersey Department of Revenue – Records Management Services Records Retention and Disposition Schedule.
4. Employment history review pursuant to N.J.S.A. 18A:6-7.6 et seq. is not required for applicants the hiring entity does not wish to employ.
5. The hiring entity, in accordance with N.J.S.A. 18A:6-7.9.b., in conducting the review of the employment history of an out-of-State applicant, shall make, and document with specificity, diligent efforts to:
 - a. Verify the information provided by the applicant pursuant to N.J.S.A. 18A:6-7.7.a. and B.1.a. above; and



- a. Upon providing such additional information and/or documentation, the Superintendent or designee will take every measure to ensure privacy and confidentiality, consistent with State and Federal laws and regulations regarding student privacy and the privacy rights of others.
 - b. Any personally identifiable information regarding any student or other individual other than the applicant's personally identifiable information shall be redacted prior to the release of any additional information.
 - c. The requested additional information should be provided to the hiring entity within twenty days, as required by statute.
3. A copy of all requests for information and any information provided to a hiring entity, in accordance with the provisions of Policy and Regulation 1613 and N.J.S.A. 18A:6-7.6 et seq., shall be maintained by the Superintendent or designee in the applicant's personnel file and shall only be destroyed in accordance with the New Jersey Department of Revenue – Records Management Services Records Retention and Disposition Schedule.
- D. Timeline for Current or Former Employers to Disclose Information (N.J.S.A. 18A:6-7.9)
1. No later than twenty days after receiving a request for information under N.J.S.A. 18A:6-7.7.b. and B.1.b. above, an employer that has or had an employment relationship within the last twenty years with the applicant shall disclose the information requested pursuant to N.J.S.A. 18A:6-7.6 et seq.
 2. The failure of an employer to provide the information requested pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above within the twenty day timeframe established under N.J.S.A. 18A:6-7.9.a. and D.1. above may be grounds for the automatic disqualification of an applicant from employment with a hiring entity. A hiring entity shall not be liable for any claims brought by an applicant who is not offered employment or whose employment is terminated:
 - a. Because of any information received by the hiring entity from an employer pursuant to N.J.S.A. 18A:6-7.7 and B. above; or
 - b. Due to the inability of the hiring entity to conduct a full review of the applicant's employment history pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above.



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

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

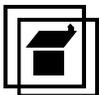
1. The applicant has complied with N.J.S.A. 18A:6-7.7.a. and B.1.a. above;
2. The hiring entity has no knowledge or information pertaining to the applicant that the applicant is required to disclose pursuant to N.J.S.A. 18A:6-7.7.a.(3) and B.1.a.(3); and
3. The hiring entity determines that special or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

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

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

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

1. A hiring entity shall have the right to immediately terminate an individual's employment or rescind an offer of employment if:
 - a. The applicant is offered employment or commences employment with the hiring entity following June 1, 2018; and



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- a. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
 - b. Affects the ability of a school district, charter school, nonpublic school, or contracted service provider to report suspected child abuse or sexual misconduct to the appropriate authorities; or
 - c. Requires the school district, charter school, nonpublic school, or contracted service provider to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the school district, charter school, nonpublic school, or contracted service provider, unless after investigation the allegations are found to be false or the alleged incident of child abuse or sexual misconduct has not been substantiated.
2. Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended, or entered into after June 1, 2018 and that is contrary to N.J.S.A. 18A:6-7.12 shall be void and unenforceable.
- J. Public Awareness Campaign (N.J.S.A. 18A:7.13)
1. The New Jersey Department of Education (NJDOE) shall establish a public awareness campaign to publicize the provisions of N.J.S.A. 18A:6-7.6 et seq. and to ensure applicants and employers are aware of their respective rights and responsibilities under N.J.S.A. 18A:6-7.6 et seq. The NJDOE shall post on its website guidance documents and any other informational materials that may assist applicants and employers in the implementation of and compliance with N.J.S.A. 18A:6-7.6 et seq.
 2. The NJDOE developed forms for applicants and employers may be used to comply with the requirements of Policy and Regulation 1613 and N.J.S.A. 18A:6-7.7, as well as any other forms necessary to carry out the provisions of N.J.S.A. 18A:6-7.6 et seq.

Board Approved:

