



## BOARD MINUTES

### BOARD OF TRUSTEES MEETING OCTOBER 20, 2020 7:00 PM

THIS MEETING WAS VIRTUAL WITH CALL-IN INFORMATION MADE PUBLIC IN ADVANCE OF THE MEETING.

1. **Call to Order:** 7:05 by Lauren Calmas

2. **Reading of the Open Public Meeting Statement**

The New Jersey Open Public Meeting law was enacted to ensure the right of the public to have advance notice and to attend the meetings of public bodies at which any business affecting their interests is discussed and acted upon. This is a public meeting of the Board of Trustees of the Hoboken Charter School. At the public meeting action will be taken on a variety of motions.

In accordance with the requirements of the Sunshine Law, the meeting was announced as a virtual meeting on July 7, 2020 via notification to City Hall, the City Clerk's Office on Washington Street and the *Hudson Reporter* and the *Jersey Journal*.

#### **Roll Call**

TRUSTEE	PRESENT	ABSENT
John Berger	X	
Lauren Calmas	X	
Amanda Grant	X	
Lisa McIntyre		X
Kelly Pansy	X	
Christine Sheedy	X	
Mark Silberberg	X	
Joy Wheeler	X	
Dana Wissing	X	

Also in attendance: Deirdra Grode, Executive Director, Steve Literati, CFO and Board Secretary and Board Treasurer, Lizzie Palma, K-8 Principal, and Joanna Weintraub, Upper School Principal.

Parents in attendance: Lindsey Bednar, Daria Vogel, Susan Kreiner, Karen Kelly, Stacy Higbee, Rima Parikh, eema, Jenny Millman, Diana LoBue, and Karen Carthew.

3. **Acceptance of Minutes**

Minutes of the previous public Board meetings held September 15, 2020 are available for review and/or correction and acceptance. Minutes of the joint public meeting held on September 2, 2020 by the Boards of Hoboken Charter School and the Friends of Hoboken Charter School are also available for review and/or correction and acceptance.

Motion for HCS Board of Trustees to accept the minutes of the Hoboken Board of Trustees Meeting on September 15, 2020 and the minutes of the joint Board meeting on September 2, 2020.

**ROLL CALL VOTE**

TRUSTEE	MOTION	YES	NO	ABSTAIN	ABSENT
John Berger	2	X			
Lauren Calmas				X	
Amanda Grant		X			
Lisa McIntyre					X
Kelly Pansy		X			
Christine Sheedy		X			
Mark Silberberg	1	X			
Joy Wheeler				X	
Dana Wissing		X			

**4. Public comment/questions on agenda items for the meeting**

A 15-minute period of time is provided for the public to ask questions on agenda items or make statements to the Board of Trustees. If there are many speakers, the chair will ask for a 3-minute speaking limit per speaker. The Board may extend the public comment portion by motion if necessary.

There was a lengthy discussion about the school's decision to provide additional planning time for teachers by using other staff members to deliver instruction one period per week.

**5. Closed (Executive) Session:** Mark Silberberg motioned to begin closed session. This motion was seconded by Christine Sheedy. The closed session started at 7:41 and ended at 8:35. John Berger left the meeting after completion of the closed session.

**6. Policy**

6.1 Resolved, that the Board of Trustees approves the amended Family and Medical Leaves and Benefits Policy and the new Families First Coronavirus Response Act Policy (provided in last month's agenda for a first read)

6.2 Resolved, that the Board of Trustees approves a first read of the policy on Remote Teaching Policy (attached at the end of these minutes.)

6.3 Resolved, that the Board of Trustees approves a first read of the policy on Technology and Communication Systems (attached at the end of these minutes.)

Mark Silberberg recommended that the school investigate a software application called Remind, which facilitates communication between teachers and students and replaces texting.

**ROLL CALL VOTE (for all three motions)**

TRUSTEE	MOTION	YES	NO	ABSTAIN	ABSENT
John Berger					X
Lauren Calmas		X			
Amanda Grant	1	X			
Lisa McIntyre					X
Kelly Pansy		X			
Christine Sheedy	2	X			
Mark Silberberg		X			
Joy Wheeler		X			
Dana Wissing		X			

## **7. Finance**

7.1 Resolved, that the Board of Trustees approved the Board Secretary and Treasurer's Reports for September 2020, as per the attached; and pursuant to N.J.A.C. 6A:23-2.11(a), the Hoboken Charter School Board of Trustees secretary's certification, and after review of the monthly financial report (appropriations section) certifies that, to the best of its knowledge, as of September 2020, no major account or fund has been over expended in violation of N.J.A.C. 6A:23-2.11(b), and that sufficient funds are available to meet the school's financial obligations for the remainder of the fiscal year. (Attached schedules.)

7.2 Resolved, that the Board of Trustees approves the bills list from September 11, 2020 to October 12, 2020. (Attached schedule.)

7.3 Resolved, that the Board of Trustees approves the following payrolls:

Date	Amount
September 15, 2020	\$138,047.55
September 30, 2020	\$146,772.20

### **ROLL CALL VOTE**

TRUSTEE	MOTION	YES	NO	ABSTAIN	ABSENT
John Berger					X
Lauren Calmas		X			
Amanda Grant		X			
Lisa McIntyre					X
Kelly Pansy	1	X			
Christine Sheedy		X			
Mark Silberberg		X			
Joy Wheeler	2	X			
Dana Wissing		X			

Steve Literati provided an update on expenditures related to Covid-19 and on the status of the annual financial audit. Finance committee chairperson Kelly Pansy provided an update on discussions of the rental agreement between Friends of Hoboken Charter School and the School that includes rent for the 709 Washington Street building.

## **8. Personnel**

8.1 Resolved, that the Hoboken Charter school Board of Trustees approves the submission of a NJDOE waiver application (N.J.A.C.6H-9-6 5C) to the County Office for the hiring of school staff and/or substitutes while formal criminal history is processed.

- Ben Wagor

8.2 Resolved, that the Hoboken Charter School Board of Trustees approves the following personnel for the daily assignments as school staff and/or substitutes pending completion of a county sub license and/or criminal background check.

- Ben Wagor

8.3 Resolved, that the Hoboken Charter School Board of Trustees accepts the resignation of Jen Chung, Teacher, effective September 17, 2020.

8.4 Resolved, that the Hoboken Charter School Board of Trustees approves a contract with Ben Wagor as Teacher for the 2020-2021 academic year.

It was noted that Ben Wagor will teach social studies and that he has experience teaching both within the U.S. and abroad. Trustees and administration expressed the desire to attract teachers that would increase the diversity of the staff.

#### ROLL CALL VOTE

TRUSTEE	MOTION	YES	NO	ABSTAIN	ABSENT
John Berger					X
Lauren Calmas		X			
Amanda Grant	2	X			
Lisa McIntyre					X
Kelly Pansy		X			
Christine Sheedy		X			
Mark Silberberg		X			
Joy Wheeler		X			
Dana Wissing	1	X			

### 9. Enrollment

Enrollment – October 20, 2020

Grade	Current	Grade	Current	Grade	Current
K	22	5	22	9	25
1	22	6	22	10	25
2	22	7	22	11	24
3	22	8	22	12	26
4	22			Total	298

### 10. School Calendar Reminder

Thursday, October 29 – K-8 Picture Day

Tuesday, November 3 – Election Day – Remote Learning for grades K-12

Thursday, November 5 – Lower, Middle and Upper School Virtual Open House

Tuesday, November 17 – Board Meeting will begin at 7 p.m.

Wednesday, November 25 – All Schools have a 1:00 p.m. dismissal for the Thanksgiving Day Holiday.

Thursday & Friday, November 26 & 27 – All Schools are closed for the Thanksgiving Day Holiday.

### 11. K-12 Report

In an effort to better communicate our mission and values, HCS released a new logo and icons to our families that reinforce the core principles of social justice education, service learning, interage experiences and learner-centered practices. Additionally, universal definitions of each were shared with our families via the same communication. All K-12 students were introduced to these symbols and common definitions (with more child-friendly definitions for K-4 students) and visual aids of the icons have been posted in all classrooms.

Administrators and teachers are finding ways to incorporate the icons to reinforce these principles in their daily classwork and in communications. HCS has also launched an instagram page that features our mission in action. Our K8 Back to School Night had a session specific to our mission. We will host a similar session with 912 families this year as well. We are excited to continue to build upon this work to better communicate our mission via additional initiatives this school year.

HCS continues to monitor COVID-19 statistics in the state, region and city. On October 9, Deirdra Grode

participated in a virtual meeting with all school leaders in Hoboken and senior leaders in City Hall, the Department of Health, HPD and OEM around COVID-19 prevention and response in the City of Hoboken. HCS is partnering with Riverside Medical Group and the City to fastrack testing for HCS staff and students presenting symptoms of COVID-19. HCS has also been exploring routine testing for HCS staff and students.

HCS is entering its last phase in a multiple month application process for funding through Provident Bank to enhance our professional development around mission-aligned practices. In November, we will learn if we will receive \$20,000 that can be used toward funding sessions around restorative justice.

## **12. Lower/Middle School Report**

On Thursday, September 24, the K-8 program held their annual back to school night via Zoom. The program began with a presentation from Ms. Grode and Ms. Palma around the school's mission and foci of social justice, service learning and learner centered education with examples of what these practices look like across the divisions. . Families then had the opportunity to listen to presentations from core content teachers around curriculum and academic programming. Specials teachers and support staff were available as well to answer questions and speak to their roles and programs at HCS.

During the week of September 28, the Lower and Middle Schools administered the STAR 360 program, our universal screening assessment used to drive instruction and Tier 2 and Tier 3 academic support. Additionally, the K-8 special educators and academic support teacher have been working to conduct reading assessments of all students. This data is being used to inform classroom planning, remediation and intervention, given that students received remote instruction for the third trimester last year.

The K-8 program hosted an Open House for prospective families on Thursday, October 5 virtually through Zoom. Families participated in a presentation from administration focused on HCS's mission and programming.

## **13. Upper School Report**

The All Remote schedule continues successfully at the Upper School. We have added in person supports for students with Individualized Education Plans and found ways to conduct internal assessments, such as the Star360 Reading and Math Assessments, remotely in order to better support students. Upper School staff is also working to support students in making connections during this All Remote period. Class Advisors are coordinating grade level events for students to celebrate and connect. In the next weeks we will host the 9th grade for a Welcome Event and 10th grade for a Fall Fest in outdoor, socially distanced formats.

We had a successful administration of the SAT for our Seniors. Most felt comfortable coming to take it onsite and we were able to provide a safe space for them to take the test. Though many colleges have announced that they will be "test optional" for 2021 admissions, not all are and scholarships often still utilize the SAT scores. The College and Career Counselor has arranged a number of workshops for families and students beginning college applications. Colleges have been happy to work with us while All Remote and conduct Zoom college visits for Seniors.

The Upper School looks forward to opening our hybrid model with in-person learning soon.

Joanna provided the 2020 graduation report as mandated by the NJ DOE. 100% of our seniors graduated in 2020 with an intimate ceremony in July. The NJ DOE waived the testing requirement for graduation in light of the Covid-19 pandemic but despite the waiver, all 24 HCS seniors were on track to graduate had the waiver not been put in place.

Joanna noted that a move into the new building at 709 Washington Street was scheduled for October 31<sup>st</sup>. The transition to in-person instruction would be decided based on the completion of construction.

Lauren expressed the desire to survey parents and to consider their comments about school operations and offerings.

#### **14. Board Business/Miscellaneous**

14.1 Resolved, that the Hoboken Charter School Board of Trustees approves an agreement that extends the lease at 360 First Street by month (through October 31, 2020) to be able to store high school furniture and supplies until the construction at 709 Washington Street allows a move into that facility. (Invoice for additional charges is attached in a separate file.)

14.2 Resolved, that the Hoboken Charter School Board of Trustees approves an amendment to the lease agreement with Friends of Hoboken Charter School. Monthly rent is \$60,000 for the two buildings at 709 and 713 Washington Street, starting November 1, 2020 through June 30, 2022. (The amendment was attached as a separate file.)

#### **ROLL CALL VOTE (on both measures)**

TRUSTEE	MOTION	YES	NO	ABSTAIN	ABSENT
John Berger					X
Lauren Calmas		X			
Amanda Grant		X			
Lisa McIntyre					X
Kelly Pansy		X			
Christine Sheedy		X			
Mark Silberberg	2	X			
Joy Wheeler	1	X			
Dana Wissing		X			

#### **15. New Business**

- Mark Silberberg discussed the need to return to the creation of a strategic planning document.
- Dana Wissing updated the Board about a meeting with Friends of HCS to promote the community and encourage participation in advocacy of the school. 49 people were in attendance.
- Amanda Grant reported that there were no major developments in development, but that some follow-up would be done in the coming month.
- Lauren Calmas gave an update on an effort, coordinated with the chairpersons of other Hoboken charter schools (Elysian Charter School and HoLA) to seek a share of the funds generated from a PILOT (payment in lieu of taxes) program by a real estate developer in the city.

#### **16. Adjournment of Meeting**

Whereas, the business of the regular meeting has been concluded, now, therefore be it resolved that the HCS Board of Trustees adjourned their meeting of Tuesday, October 20, 2020.

It is hereby certified that the foregoing resolution was duly adopted by the HCS Board of Trustees, by the vote below indicated at the regular meeting held on Tuesday, October 20, 2020.

## ROLL CALL VOTE

TRUSTEE	MOTION	YES	NO	ABSTAIN	ABSENT
John Berger					X
Lauren Calmas	2	X			
Amanda Grant		X			
Lisa McIntyre					X
Kelly Pansy		X			
Christine Sheedy	1	X			
Mark Silberberg		X			
Joy Wheeler		X			
Dana Wissing		X			

Certified by Board Secretary: Steve Literati

Date: October 20, 2020

Adjournment: 10:07 pm

## FAMILY AND MEDICAL LEAVES AND BENEFITS POLICY

### **Federal Family and Medical Leave Act (FMLA) Leave of Absence**

The Federal Family and Medical Leave Act (FMLA) entitles eligible employees to take up to twelve (12) weeks of qualifying medical and/or family leave per twelve-month period, measured on a rolling look-back basis from the date for which leave is requested. If the time is needed for a qualifying leave to care for a member of the Armed Forces, the time allowed extends to twenty-six (26) weeks.

If an employee is not eligible for FMLA leave or if the medical or family leave does not qualify as a protected leave under the FMLA, the employee will not be entitled to the benefits and protections provided under the FMLA, but may be eligible for other benefits pursuant to New Jersey State law. Questions regarding medical and/or family leave should be directed to the Human Resources representative of the School.

### **Eligibility Requirements for FMLA Leave**

An employee is eligible for FMLA leave if he or she has:

- been employed with the School for at least 12 months, and the 12 months need not be consecutive;
- worked at least 1,250 hours during the last 12 months; and
- worked at or reported to a worksite that has 50 or more employees or is within 75 miles of the worksite where the School employs 50 or more employees.

### **Qualifying Reasons for FMLA Leave**

An eligible employee may qualify for FMLA leave for *any of the following reasons*:

- (1) If the employee personally has a serious health condition, as defined by applicable law, which renders the employee unable to perform his or her job.

- (2) To care for a spouse, child, or parent who has a serious health condition.
- (3) To care for his or her child after birth, or after placement of the child with him/her for adoption or foster care. Leave based upon a birth, adoption, or foster care placement of a child must be completed within the 12-month period beginning on the date of birth or placement.
- (4) Under certain exigent circumstances, if a spouse, son, daughter or parent is on active duty.
- (5) To care for a member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness.

### **Use of Leave – Intermittent/Reduced Schedule**

Leave does not need to be taken in one block, it may be taken intermittently or on a reduced schedule if medically necessary but the leave must not exceed 12 weeks over the applicable 12-month period (or 26 weeks to care for an ill or injured military services member). The employee must obtain the agreement of the School before taking intermittent leave or working a reduced hour schedule for FMLA purposes. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the School's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. Using FMLA for a reduced work schedule, or intermittent leave taken for the birth, adoption or foster care of a child must be mutually agreeable to the employee and the School, and any leave for birth, adoption or foster care of a child must be taken within 12 months of the birth or placement of the child. Intermittent or reduced-schedule leave arrangements may require a temporary transfer during the leave to an available alternative position for which an employee is qualified and better accommodates recurring periods of leave, unless otherwise prohibited by applicable law.

If the leave is for planned medical treatment or care, the employee shall schedule (to the extent possible) the treatment or care so as to create minimum disruption to School's operations.

### **Pay During FMLA Leave**

FMLA leave is generally unpaid leave, except that an **employee** may substitute any accrued paid time off, including School-provided paid personal, sick or vacation days (up to the maximum cap of 30 days, if available), for any otherwise unpaid leave, including intermittent leave.

An employee may be eligible to receive New Jersey Temporary Disability Insurance ("TDI") benefits or Workers' Compensation benefits during the time that he/she is out on medical leave for his/her own serious health condition. During the time he/she is eligible for TDI benefits, he/she may be eligible for supplemental pay from the School up to the employee's regular rate of pay for up to a maximum of six (6) weeks per 12-month period. See Temporary Disability Supplemental Pay.

An employee may also be eligible for New Jersey Family Leave Insurance ("FLI") benefits during FMLA leave to care for a family member with a serious health condition or to care for and bond with a new child.

If an employee takes time off to bond with and care for a new child and receives FLI benefits, he/she may be eligible for Parental Leave Supplemental pay from the School up to the employee's regular rate of pay for up to a maximum of two (2) weeks per 12-month period (measured on a rolling look-back basis). See Parental Leave Supplemental Pay.

Use of paid personal or sick days and/or receipt of TDI, FLI or Workers' Compensation benefits during FMLA leave will not extend an employee's eligibility for FMLA leave beyond the maximum allotment of twelve (12) weeks in a 12-month period (measured on a rolling look-back basis). The time off will run concurrently.

During FMLA leave, including intermittent leave, no paid sick, personal or vacation time off will accrue.

### **Notice and Documentation Requirements for FMLA Leave**

Eligible employees are required to provide written notice to the Human Resources representative of any reason for which they may need to take FMLA leave at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. The School may require employees to provide documentation substantiating the basis for their leave.

Employees requesting family/medical leave are required to submit written certification from an appropriate health care



provider verifying the need for a family or medical leave. Medical certification forms are available from the Human Resources representative and are due no later than fifteen (15) days from receipt of the form from the School. Failure to provide the requested medical certification<sup>1</sup> in a timely manner may result in denial of leave. The School may require recertification every 30 days of a serious medical condition of either the employee or of the family member for which FMLA leave is being taken. The School also may require that the employee on FMLA leave recertify every 30 days (a) that s/he intends to return to work; (b) the anticipated date of return to work, and (c) the status of the leave.

The School reserves the right to require an examination by a second health care provider designated by the School. If the second health care provider's opinion conflicts with the original medical certification, the School may require a third, mutually agreed upon, health care provider to conduct an examination and provide a final opinion.

### **Health Insurance during FMLA Leave**

Subject to the terms and conditions of the plan, the School will continue to provide health insurance benefits, if applicable, for the time an employee is on an approved FMLA leave as long as the employee continues to pay any applicable contribution toward the cost of coverage under the School's group policy. The employee must pay this amount directly to the School by the first day of each month to continue coverage for that month. If the employee fails to pay the required portion of the premium, the School may, upon notice as required by law, discontinue his or her coverage or family coverage. If the employee fails to return at the end of the FMLA leave, the School may recover from the employee its entire premium costs in continuing coverage during the leave, in accordance with applicable law.

During approved medical leaves of absence that are not covered by the FMLA, employees who wish to continue their health insurance benefits, may be required to do so at their own cost, pursuant to the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

### **Prohibition On Other Employment during FMLA Leave**

Employees shall not take another job while on FMLA leave, unless otherwise permitted by applicable law.

### **Multiple Requests by Spouses for FMLA Leave**

Spouses who are eligible for FMLA leave and are both employed by the School may be limited to a combined total of 12 weeks (combined total of 26 weeks for the care of a covered service member) of leave during any 12-month period in certain circumstances, such as for the birth, adoption or foster placement of a child.

### **Special FMLA Regulations Relating to Time Off for Eligible Instructional Employees**

- Leave taken for a period that ends with the school year and begins the next trimester is considered consecutive leave, rather than intermittent leave. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end to the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.
- In addition, if an eligible instructional employee requires intermittent leave or a reduced leave schedule to care for a family member with a serious health condition or for the employee's own serious health condition, and the employee would be on leave for more than 20% of the total number of working days over the period that the leave would extend, the School may require the employee to take leave for a particular duration or to transfer to an available alternative position for which the employee is qualified, has equivalent pay and benefits and which better accommodates recurring periods of leave.
- An instructional employee who begins leave more than five weeks before the end of the school term and whose leave will last for at least three weeks such that the employee would return to work during the three-week period before the end of

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<sup>1</sup> Certain laws protect the confidentiality of medical information, including but not limited to the Genetic Information Nondiscrimination Act ("GINA"). In accordance with such applicable laws, the School asks that you not provide any confidential medical or genetic information when responding to a request for medical information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

the term, may be required, if the School so chooses, to continue taking leave until the end of the term, unless otherwise prohibited by applicable law.

- If an instructional employee takes a leave for any qualifying reason, other than for his or her own serious health condition, that begins more than five weeks before the end of the term and will last more than two weeks and the employee would return to work during the last two weeks before the end of the term, the employee may be required by the School to continue taking leave until the end of the term, unless otherwise prohibited by applicable law.
- If the employee begins leave during the three-week period before the end of the term for any reason other than his or her own serious health condition, he or she may be required to continue taking leave until the end of the term if the leave will last more than five days, unless otherwise prohibited by applicable law.
- If the School requires the aforementioned leaves of absence to be taken until the end of the academic term, the additional time off will not count as FMLA leave; however, the School shall be required to maintain the employee's health benefits and restore the employee to an equivalent position at the end of the leave.
- If the employee elects to take intermittent leave for a fixed block of time, the entire block shall all count as FMLA leave.

### **Returning From FMLA Leave**

If medical/family leave is based upon the employee's own serious health condition, the employee will be required to provide medical certification that he or she is fit to resume work. Employees shall be responsible for obtaining such certification from their health care provider and submitting it no later than their first scheduled return date. Employees failing to provide the appropriate certification may not be permitted to return to work.

Employees are expected to return to work on their scheduled return to work date. If an employee wishes to return to work prior to the anticipated expiration of an approved family leave, he/she must make every effort to give the School reasonable notice prior to the planned return. If an employee fails to respond and/or fails to report to work promptly at the end of the approved leave period, the School may assume the employee has resigned. In such case, the School also may exercise its right to recover from the employee the amount of the premium cost which it paid for the employee's health insurance coverage during the term of the leave, unless otherwise provided by applicable law.

When an FMLA medical/family leave ends, the School will return the employee to the same position, if it is still available, or to an equivalent position with the same employment benefits and pay, unless the former position was eliminated and/or the employee would have been terminated regardless of the FMLA leave.

### **New Jersey Family Leave Act (NJFLA) Leave Of Absence**

**\*If the reason for time off taken under the New Jersey Family Leave Act ("FLA") is also a covered reason for time off under the federal Family and Medical Leave Act, the time off will run concurrently under both laws. Thus, time off to bond with a new child or to care for a family member with a qualifying serious health condition, will count against both the FMLA and the NJFLA time off for which an employee is eligible.**

The New Jersey Family Leave Act (NJFLA) entitles eligible employees to take up to twelve (12) weeks of time off for qualifying reasons during a twenty-four (24) month period, measured on a rolling look-back basis from the date for which leave is requested.

If an employee is not eligible for NJFA leave or if the leave does not qualify as a protected leave under the NJFLA, the employee will not be entitled to the benefits and protections provided under the NJFLA, but may be eligible for other benefits pursuant to New Jersey State law. Questions regarding family leave should be directed to the Human Resources representative of the School.

### **Eligibility Requirements for NJFLA Leave**

An employee may be eligible for NJFLA leave if:

- the School employs at least thirty (30) employees;
- the employee has worked for the School for at least twelve (12) months;
- the employee has worked at least 1000 hours in the twelve (12) months immediately preceding the first day of leave;

### **Qualifying Reasons for NJFLA Leave**

An eligible employee may qualify for NJFLA leave:

- (1) to care for an immediate family member (as defined by applicable law) with a serious health condition;
- (2) in connection with the birth, adoption or foster placement of a child;
- (3) to care for a child whose school or place of care has been closed by order of a public official because of an epidemic or other public health emergency;
- (4) to care for a family member who must quarantine by order of a public health authority or recommendation of a health care provider because the family member is ill with or may have been exposed to a communicable disease, in order to prevent the spread of such disease.

NJFLA leave is not available for an employee's own medical condition.

### **Use of NJFLA Intermittent/Reduced Schedule**

An employee may request to take NJFLA leave on an intermittent or reduced schedule basis to care for a family member, as defined by law.

Reduced leave schedules are only permitted for a period of up to 12-consecutive months for any one period of leave. Any remaining family leave that the employee may be eligible for may be taken on a consecutive or intermittent basis.

Leave to care for a new child may be consecutive, intermittent or taken on a reduced-schedule basis. Leave to care for a new child must start within the first year of the child's life or adoption or foster placement with the employee.

The employee shall make a reasonable effort to schedule reduced leave or intermittent leave, including to care for a family member who must quarantine in connection with a communicable disease, so as not to disrupt unduly the operations of the School and the employee shall provide the School with prior reasonable notice of the care or treatment that must be provided to a family member due to a serious health condition. If possible, the employee shall provide a schedule of the day(s) of the week on which intermittent leave needs to be taken. The School may require an employee to transfer temporarily to an available alternative position with equivalent pay and benefits, for which the employee is qualified, and better accommodates recurring periods of leave than the employee's regular position.

### **Pay During NJFLA Leave**

NJFLA leave is generally unpaid leave, except that an employee may choose to substitute any available accrued paid time off such as School-provided paid personal, sick or vacation days (up to the maximum cap of 30 days, if available) for any otherwise unpaid leave, including intermittent leave.

An employee may also be eligible for New Jersey Family Leave Insurance ("FLI") benefits during NJFLA leave to care for a family member with a serious health condition or to care for and bond with a new baby.

If an employee takes time off to bond with and care for a new child and receives FLI benefits, he/she may be eligible for Parental Leave Supplemental pay from the School up to the employee's regular rate of pay for up to a maximum of two (2) weeks per 12-month period (measured on a rolling look-back basis). See Parental Leave Supplemental Pay.

Use of paid personal, sick or vacation time and/or receipt of FLI benefits during NJFLA leave will not extend an employee's eligibility for NJFLA leave beyond the maximum allotment of twelve (12) weeks in a 24-month period (measured on a rolling

look-back basis). The time off will run concurrently under both the paid time off or paid benefit program and the NJFLA.

During NJFLA leave, including intermittent leave, no paid personal, sick or vacation days will accrue.

### **Notice and Documentation Requirements for NJFLA Leave**

Generally, eligible employees are required to give thirty (30) days' written notice prior to the anticipated first day of leave, except in emergent situations for which oral notice must be given as soon as possible (and must be followed by written notice as soon as possible). Employees must give fifteen (15) days' advance notice for intermittent leave requests to care for a family member with a serious health condition. Except in emergency circumstances, if an eligible employee fails to provide proper notice of leave, the starting date of the leave may be delayed.

The School may require employees to submit documentation substantiating the basis for leave. Eligible employees requesting family leave to care for an immediate family member must submit a Medical Certification form completed by a licensed physician or other qualified health care provider documenting the reason (Serious Health Condition) and anticipated duration of the proposed leave.<sup>2</sup> An employee may also be required to submit a Certification of Familial Relationship. Any employee who fails to submit a signed and completed Medical Certification form may be denied family leave or delayed in starting because the Medical Certification is the basis on which the School determines whether an employee qualifies for family leave.

The School reserves the right to require an examination by a second health care provider designated by the School. If the second health care provider's opinion conflicts with the original medical certification, the School may require a third, mutually agreed upon, health care provider to conduct an examination and provide a final opinion.

Employees seeking leave to care for a child due to a public health emergency closure of the child's school or place of care must provide a certification from the school or place of care setting forth the date on which the closure took place and the reason for such closure.

Employees seeking leave to care for a family member who must quarantine to prevent the spread of a communicable disease must provide a certification by the public health authority or the health care provider setting forth the date of the order or recommendation to quarantine, the probable duration of that order to quarantine and, if applicable, the medical or other facts within the knowledge of the health care provider or public health authority regarding the condition.

Forms are available from the School and should be submitted to the Human Resources representative.<sup>3</sup>

### **Health Insurance Coverage during NJFLA Leave**

Throughout a covered leave of absence taken by an eligible employee for any qualifying reason, the School will continue medical insurance coverage for covered employees under the same terms that the School provided medical insurance coverage to such employees prior to their leave. Such employees must continue to make timely contributions towards their portion of the premium cost. The employee must pay this amount directly to the School by the first day of each month to continue coverage for that month. If the employee fails to pay the required portion of the premium, the School may, upon notice as required by law, discontinue his or her coverage or family coverage. If the employee fails to return at the end of the NJFLA leave, the School may recover from the employee its entire premium costs in continuing coverage during the leave, in accordance with applicable law.

During a leave of absence that is not covered by the NJFLA or FMLA, employees who wish to continue their health insurance benefits, may be required to do so at their own cost pursuant to the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

### **Prohibition On Other Employment During NJFLA Leave**

Employees shall not work full-time at another job while on NJFLA leave, unless otherwise permitted by applicable law.

### **Multiple Requests for Family Leave**

More than one School employee from the same family may be eligible for family leave at the same time.

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<sup>2</sup> See Footnote 1 on page 3.

<sup>3</sup> See Footnote 1 on page 3.

## **Return From NJFLA Leave**

Employees are expected to return to work on their scheduled return to work date. If an employee wishes to return to work prior to the anticipated expiration of an approved family leave, he/she must give the School reasonable notice prior to the planned return.

If an employee fails to return to work without notice and upon the scheduled expiration of a family leave of absence, the School may treat the eligible employee's failure to return as a voluntary resignation without notice. In such case, the School also may exercise its right to recover from the employee the amount of the premium cost which it paid for the employee's health insurance coverage during the term of the family leave, unless otherwise provided by applicable law.

Eligible employees taking an approved family leave of absence in accordance with applicable law will be entitled to reinstatement to their former position, or to another position of substantially equivalent compensation, benefits, status and responsibility, if they return from the leave on the agreed upon date, and the leave does not extend beyond the maximum time off permitted under law.

## **TEMPORARY DISABILITY INSURANCE<sup>4</sup>**

Employees may be eligible for New Jersey Temporary Disability Insurance ("TDI") benefits for up to 26 weeks per twelve month period, measured pursuant to applicable law, for a qualifying disability that precludes the employee from working. TDI is not to be confused with Workers' Compensation. Workers' Compensation covers only workplace injury or illness.

### **Eligibility for TDI Benefits**

Employees may be eligible for TDI benefits through a state plan and eligibility and the amount of benefits is determined by the State. If there is any question about the details relating to these benefits, please ask the Human Resources representative.

### **Notice and Documentation: School**

Employees must notify the Human Resources representative any time they are or expect to be absent for illness or medical conditions for a period of 7 consecutive days. In addition to TDI claim forms that must be submitted to the State of New Jersey, employees will be required to provide the School with documentation from their health care provider relating to and substantiating their need for time off<sup>5</sup>.

### **Notice and Documentation: State of New Jersey**

Employees are required to submit their claim for TDI benefits directly to the State of New Jersey; the Human Resources representative cannot do it for them. Employees may submit their claim form to the State of New Jersey to apply for TDI benefits on or after the date that they are no longer able to work and cannot submit any documentation prior to that date. The claim form must be completed by the employee's health care provider and immediately submitted to the State of New Jersey, no later than thirty (30) days following the onset of the medical condition. Failure to timely submit any such claim form may negatively impact the employee's eligibility for benefits from the State of New Jersey.

### **Use of School-provided Paid Time Off**

Employees may, but are not required, to use any accrued School-provided paid time off (paid personal, sick or vacation time -- up to the maximum cap of 30 days, if available) during the period of time that they are not able to work due to their medical condition and during which they are waiting for a determination as to their eligibility for TDI benefits from the State of New Jersey or in lieu of receiving TDI benefits. The employee will otherwise not be compensated by the School during the time that they are out of work as a result of the medical condition unless they are eligible for Temporary Disability Leave Supplemental Pay set forth below.

### **Time off runs concurrently with other leaves**

The time off during which an employee is eligible for TDI benefits will run concurrently with other applicable leaves of absence such as an employee's FMLA leave, if applicable and/or available and if the condition qualifies for FMLA leave. If the time off during which an employee is eligible for and receives TDI benefits qualifies for FMLA leave, all FMLA

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<sup>4</sup>Employees on extended disability leaves of absence may be eligible to apply for Long Term Disability benefits to the extent the School has such a benefit plan in place. Employees should direct any questions to the Human Resources representative of the School.

<sup>5</sup> See Footnote 1 on page 3.

requirements will apply during the FMLA leave.

### **Health Insurance Coverage and Job Protection**

If the FMLA does not apply to the time off that an employee is out for a medical condition and eligible for and/or receiving TDI benefits, an employee is not entitled to job protection or to health insurance benefits, unless otherwise required by applicable law.

## **FAMILY LEAVE INSURANCE BENEFITS**

Employees may be eligible for up to twelve (12) weeks of New Jersey Family Leave Insurance (“FLI”) benefits, during a 12-month period, measured in accordance with applicable law:

1. to care for a family member, as defined by the New Jersey Family Leave Act (“NJFLA”), who has a serious health condition;
2. to care for a newborn child, during the 12 months following the birth;
3. to care for a newly adopted child or foster placement of a child, during the 12 months following the placement; or
4. for domestic violence-related reasons as set forth under the New Jersey Security and Financial Empowerment Act (“SAFE Act”); or
5. to care for a family member who has been ordered to quarantine by a public health authority or health care provider in order to prevent the spread of a communicable disease during an epidemic.

### **Eligibility**

Eligibility for FLI benefits is determined by the State of New Jersey. In general, an employee may be eligible for family leave insurance benefits if he/she has worked at least 20 calendar weeks in covered New Jersey employment in which he/she earned no less than an amount equal to 20 times the minimum wage or has earned at least 1000 times the minimum wage in the year preceding the requested leave.

### **Employee Obligations**

In order to seek benefits, Employees must submit a claim to the Division of Temporary Disability Insurance within 30 days of the start of leave. Failure to do so may negatively impact eligibility for benefits. Employees who are recovering from a pregnancy or child-birth related disability may only apply for FLI benefits after they are no longer eligible for TDI benefits.

1. Eligible employees may submit a claim for FLI benefits up to 60 days in advance of the date that the leave period will commence.
2. Eligible employees must provide the Human Resources representative 30 days’ notice if leave is sought to care for a child after the birth of that child or the placement of the child for adoption or foster care.
3. Eligible employees must provide the Human Resources representative prior notice of the leave in a reasonable and practicable manner if the leave is to care for a family member with a serious health condition, unless an emergency or other unforeseen circumstance precludes prior notice.
4. Eligible employees must provide a medical certification from the health care provider of the family member setting forth:
  - a. the date on which the serious health condition commenced;
  - b. the probable duration of the condition;
  - c. the medical facts regarding the condition<sup>6</sup>;
  - d. a statement that the condition warrants the employee providing care; and
  - e. an estimate of the amount of time the employee may need to care for the family member.

### **Intermittent Leave - up to 56 days**

Time off can be taken intermittently to care for a new child or to care for a family member with a serious health condition if:

1. the total time within which the leave is taken does not exceed 12 months;

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<sup>6</sup>See Footnote 1 on page 3.

2. the employee provides not less than 15 days' notice before the first day on which benefits are paid, unless an emergency or other unforeseen circumstance precludes prior notice;
3. the employee makes a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the school and, if possible, provide a schedule of the intermittent leave; and
4. the employee submits a medical certification which includes the information set forth above and a statement of the medical necessity (applicable to leaves taken to care for a family member with a serious health condition) for the intermittent leave, the duration of the intermittent leave and, if leave is for planned treatments, the dates of the treatments.

### **Use of School-provided Paid Time Off**

Employees may choose to use accrued School-provided paid time off (paid personal, sick or vacation -- up to the maximum cap of 30 days, if available) to the time during which an employee may otherwise be eligible for FLI benefits. In addition, employees may be eligible for Parental Leave Supplemental Pay for up to two weeks.

### **Time off runs concurrently with other leaves**

If an eligible employee is entitled to leave under other laws such as the New Jersey Family Leave Act or the Federal Family and Medical Leave Act, the employee shall take such time off and collect FLI benefits concurrently with such other leaves of absence.

### **Health Insurance and Job Protection**

If the FMLA and/or the NJFLA does not apply to the time off that an employee is out for and eligible for and/or receiving FLI benefits, an employee is not entitled to continuation of health insurance benefits, unless otherwise required by applicable law. Unless the reason for the leave of absence is also covered by the NJFLA and/or the FMLA and only in the event that such laws apply to the School, the School cannot guarantee that the employee will have a position to return to at the expiration of the leave. Employees shall not be retaliated against for requesting and or claiming Family Leave Insurance benefits.

## **PARENTAL LEAVE SUPPLEMENTAL PAY**

Provided a full-time employee has been employed at the School for at least twelve months, he/she, may be eligible to receive full pay for up to two (2) weeks in a twelve (12) month period to bond with a new child(ren). Specifically, the School will supplement an employee's New Jersey Family Leave Insurance benefits up to 100% of his/her regular base pay for up to two (2) weeks during the approved leave period ("Parental Leave") to care for or bond with a newborn, newly adopted or newly placed foster child within the first 12 months after the child's birth or placement.

Failure to apply for and receive state-provided paid family leave benefits may result ineligibility for some or all of the Parental Leave Supplemental Pay benefit under this Policy.

Time off taken for parental leave during which an employee receives the School's Parental Leave Supplemental Pay benefit runs concurrently with any applicable FMLA and/or NJFLA leave that an employee may be eligible for. This Parental Leave Supplemental Pay is solely a monetary benefit and not an entitlement to a leave of absence. Employees who will be out of work to bond with a new child must request a leave of absence and provide notice in accordance with the FLI benefit law.

While an eligible employee is on parental leave, the School will continue to pay its portion of health insurance benefits, as long as the leave qualifies for leave under the FMLA or the NJFLA. The employee remains responsible for his or her contribution to the School's group health insurance during the FMLA or NJFLA period of time. All voluntary insurance policy premiums will continue to be the responsibility of the employee.

During a leave of absence not covered by FMLA or NJFLA, employees who wish to continue their health insurance benefits may be required to do so at their own cost, pursuant to COBRA.

## **TEMPORARY DISABILITY SUPPLEMENTAL PAY**

Provided a full-time employee has been employed at the School for at least twelve months, the School will provide supplemental temporary disability pay for up to six weeks within a twelve-month period while that employee is on an authorized medical leave of absence. Supplemental pay will be the employee's full salary less the amount of State Temporary Disability benefits to which he or she is entitled. This Supplemental Pay benefit will only apply when an eligible employee is on leave for his or her own serious medical condition and receives State Temporary Disability Insurance benefits.

To qualify for this benefit, an eligible employee must provide medical documentation from a health care provider substantiating the medical condition and the need for a leave of absence. Employees may, but are not required, to utilize School-provided paid personal, sick and/or vacation during the time that he/she is waiting for a determination as to eligibility for TDI benefits.

While an eligible employee is on temporary disability leave, the School will continue to pay its portion of health insurance benefits, as long as the leave qualifies for leave under the FMLA. The employee remains responsible for his or her contribution to the School's group health insurance during the FMLA period of time. All voluntary insurance policy premiums will continue to be the responsibility of the employee.

During a non-FMLA medical leave of absence, employees who wish to continue their health insurance benefits may be required to do so at their own cost, pursuant to COBRA.

## **WORKERS' COMPENSATION BENEFITS**

Employees who are injured or become ill on the job, may be eligible to receive Workers' Compensation insurance benefits.

### **Notice and Documentation**

Employees who suffer from any work-related injury or illness must immediately report it to the School, regardless of how minor the injury/illness may be. Employees may be required to complete a claim form and may be directed to seek medical treatment from certain providers. Employees may also be required to submit documentation from their health care provider relating to their inability to work due to their medical condition. In addition, employees may need to complete and submit FMLA forms.

### **Use of School-provided Paid Time Off**

Employees may, but are not required, to use any accrued School-provided paid personal, sick or vacation time off during the period of time that they are not able to work due to their medical condition and during which they are waiting for a determination as to their eligibility for Workers' Compensation benefits from the carrier. The employee will otherwise not be compensated by the School during the time that they are out of work as a result of the medical condition.

### **Time off runs concurrently with other leaves**

The time off during which an employee is eligible for Workers' Compensation benefits will run concurrently with other applicable leaves of absence such as an employee's FMLA leave, if applicable and/or available and if the condition qualifies for FMLA leave. If the time off during which an employee is eligible for and receives Workers' Compensation benefits qualifies for FMLA leave, all FMLA requirements will apply during the FMLA leave.

### **Fraudulent Claims**

State law imposes legal consequences on the abuse of Workers' Compensation benefits. The School is required to report any concerns of false or fraudulent claims to the Workers' Compensation insurance carrier for investigation. Any person who makes or causes to be made any material statement or representation, known to be false or fraudulent, for the purpose of obtaining or denying workers' compensation benefits or payments can be guilty of a crime and subject to criminal and civil penalties.



## **FAMILIES FIRST CORONAVIRUS RESPONSE ACT<sup>7</sup>**

Eligible employees may be eligible for leave pursuant to the Families First Coronavirus Response Act (the “Families First Act” or “FFCRA”) in connection with COVID-19 related circumstances. The Families First Act is comprised of two parts: (1) Emergency Family and Medical Leave Expansion Act (EFMLEA) and (2) Emergency Paid Sick Leave Act.

Employees may also be eligible for leave or for benefits under New Jersey’s Family Leave Act, New Jersey’s Family Leave Insurance benefits law or New Jersey’s Temporary Disability Insurance benefits law. Employees should refer to those policies for more information.

Employees who are unable to work due to COVID-19 related issues, should contact the Human Resources representative of the School.

### **Emergency Family and Medical Leave Expansion Act (EFMLEA)**

Employees who have been employed for at least 30 calendar days, may be eligible for up to 12 weeks of time off if they are unable to work (or telework) because they need to care for their child whose school or place of care has been closed, or the child care provider is unavailable, due to a COVID-19-related public health emergency declared by a Federal, State, or local authority.

The first 2 weeks (80 hours for full-time employees) of the EFMLEA leave may be unpaid if the employee does not qualify for or does not have time off available under the Emergency Paid Sick leave program, but an eligible employee may choose to substitute accrued paid time off during these first 2 weeks.

After the first 2 weeks of EFMLEA leave, employees may be eligible for paid leave for each subsequent day at two-thirds of their regular rate of pay for the number of hours they would normally be scheduled to work, up to \$200 per day.

### **Emergency Paid Sick Leave**

In addition to the EFMLEA, employees may be eligible for up to 2 weeks (up to 80 hours) of Emergency Paid Sick Leave paid at their regular rate of pay up to \$511 per day and \$5,110 in the aggregate if employees are unable to work (or telework) because:

1. employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. employee has been advised by a health care provider to self-quarantine due to concerns related to COVID- 19; or
3. employee is experiencing symptoms of COVID- 19 and seeking a medical diagnosis.

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<sup>7</sup> FFCRA leave is scheduled to expire on December 31, 2020.

If an employee is unable to work for any of the following reasons described in paragraphs (4), (5), or (6), employee may be eligible for up to 2 weeks of Emergency Paid Sick Leave paid at 2/3 of employee's regular rate of pay up to \$200 per day:

4. employee is caring for an individual who must isolate or quarantine due to COVID-19 pursuant to a Federal, State or local order or health care provider recommendation;
5. employee is caring for their child if the school or place of child care has been closed, or the child care provider is unavailable, due to COVID-19 precautions (this time off runs concurrently with the EFMLEA, if applicable).
6. employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

### **Documentation to Support Leave Request**

If employee is unable to work or telework because they must care for a child due to a school/daycare closure, employee must notify Human Resources as soon as practical and provide documentation to support employee's request for leave. Under the EFMLEA, employee must submit a signed statement containing the following information:

- employee's name;
- the date(s) for which leave is requested;
- the COVID-19 qualifying reason for leave;
- a statement representing that employee is unable to work or telework because of the COVID-19 qualifying reason;
- the name of the child being cared for;
- the name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons; and
- a statement representing that no other suitable person is available to care for the child during the period of requested leave.

If employee is unable to work or telework because employee is ill with or must quarantine as a result of COVID-19 by order of a public official or upon a recommendation by their health care provider due to actual or suspected exposure to the illness, employee must provide the following information:

- employee's name;
- the date(s) for which leave is requested;
- the COVID-19 qualifying reason for leave;
- a statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason; and
- the name of the government entity who ordered, or the name of the health care provider who recommended, employee quarantine due to concerns related to COVID-19.

If employee is unable to work or telework because they need to care for a family member relating to COVID-19, employee must provide the following information:

- employee's name;
- the date(s) for which leave is requested;
- the COVID-19 qualifying reason for leave;
- a statement representing that employee is unable to work or telework because of the COVID-19 qualifying reason; and
- the name of the government entity who ordered, or the name of the health care provider who recommended, the family member being cared for quarantine due to concerns related to COVID-19.

Employee's taking leave under the Families First Act may be required to provide a doctor's note clearing employee to return to work.

## **No Retaliation**

Employees that take leave under the Families First Act will not be retaliated against for exercising their rights to the benefits provided by the Act.

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## REMOTE TEACHING POLICY – FIRST READ

This code of conduct establishes guidelines for teaching and learning via remote environments. While teaching and learning, all board policies for attendance and conduct for staff that apply to in-person education shall apply equally to the remote classroom setting.

The term e-resources is used throughout the code to refer to any type of tool, resource, or platform that may be utilized for educational purposes.

### A. Formal clarity

1. Clearly inform students and parents/guardians on the class schedule, how to access the online classroom and what e-resources you will be using;
2. Explain what the e-resources will be used for;
3. Inform students how their assignments, examination and other data will be downloaded, handed in, used and stored;
4. Instruct students on how to work with, and/or access these e-resources.

### B. Assignment clarity

1. Specify in advance how, where, and when students have to upload their online assignments;
2. Use standardized software/files as much as possible to minimize technical issues for students.

### C. Information on communication

1. Instruct students on how you will communicate with them, and how they should communicate with you (i.e. email, posts, chat features);
2. Create a consistent daily schedule as much as possible and consistent virtual office hours for extra help where applicable. Remote platforms lower the threshold of constant communication – be mindful of work/life balance. Additionally, sticking to the schedule ensures that students have minimal conflicting demands from other classes;
3. It is important to keep them informed and updated on what to expect;
4. Keep parents/guardians informed by scheduling time to address questions and/or concerns.

### D. Recording quality

1. Ensure there are no sensitive pictures, documents or materials visible when broadcasting/recording.
2. Check whether you have a stable internet connection, and a properly working camera and microphone. Students should be able to rely on the quality of your broadcast;
3. Teachers and other staff members having difficulty with equipment, internet connections or other problems shall report the problem to their supervisor immediately.

### E. Online Etiquette

1. Open the session in advance of the start time of the class;
2. Start on time and take attendance;
3. Dress and speak professionally as you would in a regular classroom.
4. Start your class with instructions on what you expect from students in terms of behavior, e.g. how they may signal that they have a question, and whether they should mute their microphones (possible to enforce by using the mute all button) and turn on their webcam at the start of each session;
5. When sharing your screen, close all sensitive documents or tabs. Check your browser bookmarks and other open applications and furthermore, be aware that you are on camera;
6. When presenting live, consider there might be some time lag – check regularly with students if they are able to follow along, and provide enough time to comment/ask questions when prompted;
7. Ensure that content shared with students is appropriate and accessible to all, and is class-related;
8. Clarify when the live session has ended, and wait for all students to log off/leave the session.

### F. Privacy and Compliance

1. Live sessions will not be recorded unless there has been permission granted by the building principal for unique circumstances;
2. Teachers must secure sensitive materials that they may use while operating from a remote workplace.

Teachers and other staff members found in violation of this policy and policies related to conduct, dress and attendance may be subject to disciplinary action consistent with the negotiated agreement (where applicable) up to and including a written warning, suspension and termination.

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## TECHNOLOGY AND COMMUNICATIONS SYSTEMS POLICY – FIRST READ

(Blue- additions & Green- deletions)

### General Policy

Hoboken Charter School's Communications Systems (internal mail, telephones, cellular systems, electronic mail, voice mail, computers and software including access to the Internet) are intended for school business use and the school permits only limited personal use. Limited appropriate personal use means use which does not interfere with the employee's ability to perform his/her job. Limited appropriate personal use shall not include the access or transmission of any obscene, offensive or inappropriate material. The purpose of access to or use of the internet through the School connections or equipment is school-business related; therefore, anyone who utilizes these connections must foster that purpose by using internet resources only for educational purposes and in an appropriate and legal manner. All persons accessing or using the internet through Hoboken Charter School connections or equipment, whether from a school location or from a remote location using school hardware, software and/or accounts, are prohibited from using such connections or equipment for other than educational purposes and are specifically prohibited from:

- Using the Internet for commercial purposes, advertising or similar objectives
- Utilizing copyrighted materials without permission
- Lobbying for political purposes or soliciting votes
- Accessing pornographic or obscene materials
- Sending or receiving messages that are racist, sexist, inflammatory, hateful or obscene
- Vandalizing data, software or equipment
- Sending, receiving or accessing another person's messages without authorization

Personal emails and communications should be sent via non-school issued accounts.

All communications and information transmitted by, received from, or stored in any of the Communications Systems are School records and the property of HCS. Employees have no right of personal privacy in any matter stored in, created, received or sent via any of School's Communications Systems.

Furthermore, HCS reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received or sent via the School's Communications Systems, for any reason and without the permission of the employee.

Hoboken Charter School's Harassment, Intimation and Bullying policy applies fully to the use of the Communications Systems, and any violation of this policy is grounds for disciplinary action up to and including termination. Therefore, no messages should be created, sent or received if they contain intimidating, hostile or offensive material concerning race, color, gender identity or expression, religion, sex, age, national origin, disability or any other characteristic protected by law, or if the communication would otherwise violate the School's policies. Further, employees are prohibited from using any of the Communications Systems to solicit for religious or political purposes, commercial enterprise, outside organizations, or other non-job-related purposes.

If an employee chooses to use a personal computer for school business, they must create two accounts- a home account and a school account. This can be accomplished by having multiple browser profiles. On a school account, there can only be school-authorized programs and software. All school electronics rules and expectations as outlined throughout this Technology and Communications Systems Policy and the Remote Teaching Policy apply to school accounts. Additionally, school business is to occur exclusively on school accounts.

### Computer Security

HCS provides employees with access to various computer systems to facilitate work.

Upon hire, a user profile and password will be assigned to each employee in order for the employee to gain access to HCS systems. The assigned profile and password, and all system transactions associated with the profile, are the direct responsibility of the employee for whom the profile was created. Unauthorized use of any profile is strictly prohibited and must be reported to the building principal immediately. Failure to do so, or allowing an employee to use a profile assigned to another employee to gain access to the system, and data contained therein, is grounds for system privilege revocation or further disciplinary action.

It is the responsibility of employees to take precautions to safeguard their profile and password. Passwords should not be accessible by others. Employees are discouraged against creating or using passwords that are trivial or easy to decipher, or that include commonalities such as phone extensions, birth dates, initials, months or personal names. Employees are required, and will be prompted by the system, to change their profile passwords, and the password should not match prior passwords. Two-step authentication must be used where available. Upon an employee's resignation or termination, the profile will be deactivated.

When leaving an assigned work environment, it is the responsibility of the employee to ensure they have taken all necessary precautions to prevent unauthorized access to computer systems as a result of unattended active sessions. Such precautions include terminating sessions prior to leaving the work area and logging off. Turning off a monitor or dimming the screen with the main CPU still active is not considered to be an adequate safeguard. Furthermore, employees are responsible for and encouraged to take similar precautions with printed data. Printed data left unattended at a workstation or on a printer can result in loss, theft of information, and general misuse for which the employee may be liable.

When using technology for instruction, employees may share a screen. In doing so, it is imperative that employees close all sensitive documents or tabs and check browser bookmarks and other open applications to ensure no sensitive information is visible. They must be conscious of everything visible on camera- themselves, what is behind them, what is on their screen, etc.

Additionally, if an employee believes that there has been any unauthorized use of their systems either onsite by other employees or students or off site by a malicious attack, they must immediately notify their building principal.

Violations of these policies and/or procedures may result in disciplinary action up to and including termination of employment.

### **Software Piracy**

HCS does not tolerate the pirating of software. Employees are prohibited from making, using, selling or distributing unauthorized copies of software programs. Every software item on every employee's computer must be appropriately licensed.

### **Electronic Communication by School Staff**

"Electronic communications," for the purpose of this policy, means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular phone, computer, computer network, personal data assistant, or pager. Electronic communications include, but are not limited to, e-mails, instant messages, and communications made by means of an Internet website, including social media and social networking websites. The lead person/principals will annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process.

The annual orientation and reminder will give special emphasis to improper fraternization with students using electronic communications:

- A. School employees may not initiate, accept or follow current students as "friends" on networking sites without written approval of the school principal;
- B. School employees are strongly discouraged from initiating, accepting or following parents of enrolled students as "friends" on networking sites;

- C. School employees should be cognizant of social media posts and adjust privacy settings to ensure their public image is professional;
- D. All electronic contacts with students should be through any school issued system or account;
- E. All electronic contacts by coaches and extracurricular advisors with team members and members of extracurricular activities shall, as a general rule, be sent to all team members and activity participants;
- F. School employees may not knowingly engage in online gaming with students unless has been approved by the building principal in advance.
- G. School employees will not give out their private cell phone or home phone numbers to students without prior approval of the principal;
- H. Electronic communications that are inappropriate and therefore prohibited include but are not limited to:
  - Items with sexual content;
  - Items exhibiting or advocating use of drugs, alcohol or other illegal activities;
  - Items that pertain to students, including confidential information;
  - Any content that significantly affects the employee's ability to perform his/her job or disrupts the educational environment;
  - Any content that would violate school policies and procedures;
- I. Examples of inappropriate behavior from other districts and schools may be covered and discussed, including behavior to avoid and the need for staff to use common sense in avoiding inappropriate and unprofessional behavior;
- J. Staff shall have no expectation of privacy when using school technology, the school network, school subscription services and/or public social media venues;
- K. The administration may monitor for improper staff electronic communications on school computers, other school issued technology, and the school computer network;
- L. Staff shall be informed of the consequences that may result from inappropriate electronic communications up to and including dismissal from employment.

The lead person or designees may periodically conduct internet searches to see if staff members have posted inappropriate materials on-line. When inappropriate use of computers and internet websites is discovered, the school principals and lead person will seek to preserve the problematic or offensive material and will seek to maintain storage and chain of custody of the evidence. The lead person/principal shall promptly bring that alleged misconduct to the attention of the board president.

#### Cell Phones

As a general rule, school staff shall not contact students' cell phones unless approved by the building principal as other forms of communication are not possible for the circumstance. unless directed to do so by the parent/guardian or student. School personnel shall limit cell phone interaction with students to contact that pertains to legitimate school business. Legitimate school business includes (but is not limited to):

- A. Answering academic inquiries regarding homework, other classroom work or assignments;
- B. Scheduling appointments for school related conferences and/or extra help;
- C. Clarifying classroom expectations and/or assignments;
- D. Notifications related to classroom, club or sports schedules, events, trips, assignments, and deadlines.

Cell phone contact with students shall be as brief and direct as possible. When brief contact is not sufficient and/or feasible to resolve the matter, where appropriate, teachers shall schedule face-to-face conferences during regular classroom and extra-help periods to confer with the student. No cell phone contact shall exceed three replies.

#### Text Messages

Any text messages by staff members, coaches and volunteers shall, as a general rule, be sent to the entire class, team, club or organization, ideally through a group messaging app such as whatsapp and include the building principal in the thread, and not to any student individually. Exceptions may include situations involving confidential medical issues, emergencies or individual issues not involving the entire group. Staff shall not send messages containing material that:

- A. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
- B. Violates the school's affirmative action policies;



- C. Is personal in nature and not related to the business of the school;
- D. Can be interpreted as provocative, flirtatious or sexual in nature;
- E. Is confidential information and not authorized for distribution;
- F. Violates board policy around Harassment, Intimidation and Bullying.

### Electronic Communication

School personnel shall adhere to the following guidelines when sending or receiving messages via school owned or issued devices and the school network:

- A. All messages shall pertain to legitimate school business;
- B. Personnel shall not reveal school issued passwords to others. If a staff member believes that a password has been lost or stolen, or that email has been accessed by someone without authorization, he/she must contact the supervisor for technology or the principal;
- C. School administrators shall have access to the employee's accounts;
- D. Electronic messages on school owned or issued electronic devices and the school network shall be retained for the period of time specified by the Destruction of Public Records Law and board policy 3570 Records (retained three (3) years for external correspondence and one (1) year for internal correspondence);
- E. Federal copyright laws shall be observed;
- F. Staff shall not send messages that contain material that:
  - 1. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
  - 2. Violates the school's affirmative action policies;
  - 3. Is personal in nature and not related to the business of the school;
  - 4. Can be interpreted as provocative, flirtatious or sexual in nature;
  - 5. Is confidential and not authorized for distribution;
  - 6. Violates board policy around Harassment, Intimidation and Bullying.
- G. Personnel shall become familiar with the school's policies and regulation on staff and student access to networked information resources and acceptable use of technology (Internet Safety and Technology) before initiating email use;
- H. Employees learning of any misuse of the email systems shall notify the supervisor for technology, principal or lead person immediately.

### **Online Education**

An online classroom is still a classroom. Though courses and/or assigned programs of home instruction may be online, appropriate classroom behavior is still mandatory. Respect for the participants is essential for learning and student achievement.

Staff communications with students during online education will be limited to legitimate school business as set forth under cell phones, text messages and electronic communication, above. Professional standards and etiquette shall be observed at all times.

### **Implementation**

This policy shall be made available electronically or otherwise disseminated to all staff members, annually or as needed.

*Electronic Communication by School Staff Policy Adopted by the HCS Board of Trustees on September 9, 2014.*