

KEARNY BOARD OF EDUCATION
100 Davis Avenue
Kearny, New Jersey 07032

FOR IMMEDIATE RELEASE

Dated: January 12, 2007
Kearny, New Jersey

Contact: Kenneth J. Lindenfelser, Esq.
Board Attorney
(201) 998-9500

Today, Kearny Board of Education President Bernadette McDonald issued the attached memorandum to the Kearny School District Community addressing issues recently brought to the Board's attention regarding the application and enforcement of the Board's policies with regard to the parameters and restrictions for classroom discussions involving personal religious beliefs. Questions regarding the attached should be addressed to Kenneth J. Lindenfelser, Esq. at the above number.

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**FROM: BERNADETTE McDONALD, PRESIDENT BOARD OF
EDUCATION, TOWN OF KEARNY**

**TO: MEMBERS, BOARD OF EDUCATION,
SUPERINTENDENT ROBERT MOONEY,
DISTRICT ADMINISTRATORS**

DATED: JANUARY 12, 2007

**RE: DISTRICT POLICIES AND PRACTICES ON
SEPARATION OF CHURCH AND STATE**

As many of you are no doubt aware, the District has undertaken to review, investigate and evaluate its policies and practices with respect to the expression of personal religious beliefs by professional staff in the classroom in the aftermath of concerns raised by members of our school community on this issue. Having concluded this review, I believe it is important to reiterate and reinforce the District's historic position on this issue. Equally important, I believe it is imperative that we resolve any questions about the District's policy on this issue and further that we make clear the specific actions to be undertaken by the District in the future to insure that such incidents not reoccur or otherwise result in the inconsistent application of our policy.

Our Policy

First, the District fully supports and complies with the requirements of our United States Constitution regarding the obligations to keep the personal religious beliefs of our professional staff out of our classrooms. As the U.S. Supreme Court stated we must be "...

particularly vigilant in monitoring compliance with the Establishment Clause in elementary and secondary schools. Families entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” This is made all the more important because of our students’ potential emulation of teachers as role models. The Kearny District, has and will continue to abide by both the spirit and letter of this Constitutional mandate.

Our Review

Once the administration became aware of concerns regarding the application of this policy in one of our Kearny schools, immediate and effective actions were taken to insure that no inappropriate discussions were occurring in the affected classroom and District classrooms generally. From the first day the Administration was notified through today, nearly four months have passed with no further complaints about this or similar transgressions of our policy having been lodged with the District against the teacher in question, nor against any other teacher, for that matter.

As you know, we are forbidden by law to discuss the specific actions taken for corrective action regarding a specific faculty member. However, consistent with past practice and policies, the District followed the established legal process for handling this matter. That process includes involving the Superintendent, the relevant building Principal, Department Chairpersons and the relevant faculty member(s) in meetings in order to ascertain exactly what occurred and what corrective actions need to be undertaken to assure immediate and future compliance with the law. A menu of corrective and remedial actions available to address any transgression of the District’s policy necessarily include discussion, instruction, monitoring,

individual improvement plans, evaluations and, if deemed appropriate, disciplinary measures. District policies, contractual obligations and legal requirements dictate that discipline be both confidential and progressive. Those same polices allow for various forms of remedial action including letters of reprimand, suspensions and tenure charges. The known and documented past history of the affected personnel is also to be taken into account.

Action Steps for the Future

In addition to having addressed the immediate consequences resulting from the September incident provoking these concerns, we recognize that we must be vigilant and proactive to demonstrate the District's commitment to the Constitutional principals involved here. Accordingly, I am announcing that the following additional actions will be implemented immediately:

1. In-Service Training

Every teacher in the Kearny School District will receive additional in-service instruction on the Constitutional parameters to be applied to that which each may legally and appropriately present and discuss in the classroom. This instruction will be mandatory for all staff and will be scheduled once an appropriate professional equipped to instruct on the issue is engaged.

2. Adoption of Formal Policy

Notwithstanding the District's historic commitment to this fundamental Constitutional tenet, I will be asking the Board of Education to adopt a formal policy expressing its strong commitment to the principle that the personal religious beliefs of our instructional staff have no place in our classrooms. The policy will require yearly

instruction and training to all staff and initial instruction to all new hires. The policy will be published in appropriate District publications, including the District's website.

3. Complaint Procedure

Further as the District reiterates its commitment to this policy, we will again encourage students, staff and the public to bring to our attention any concern they may have regarding education here in the Kearny School District. The District will seriously address all matters which are brought forward and will adopt and publish a specific procedure for raising such concerns, identifying to whom such complaints or concerns should be raised, and insuring that the rights of those who come forward are protected. A statement of this procedure will be published and disseminated appropriately.

4. Commitment to A Positive Educational Environment

Lastly, the District will continue to provide a safe and productive learning environment for all students and staff. The District will adhere to its policies in taking effective measures to protect everyone in our schools from known, reported and corroborated threats, harassment, intimidation and violence. Swift remedial action will be taken to protect those negatively impacted by any improper transgression.

Conclusion

We sincerely regret that any of the events of September 2006 may have offended any member of our school community. We genuinely hope that with this update of the steps we have taken with our clarifications and reinforcement of our policy, and finally with our commitment to future initiatives, we will contribute to achieving the highest possible educational standards to which we all aspire.