

## DISMISSAL/SUSPENSION

If the Norwood Board of Education upon recommendation of the Chief School Administrator of schools institutes dismissal/suspension proceedings against a member of the certified staff, it will be only after all reasonably possible corrective measures have been attempted and have failed.

Dismissal/suspension procedures shall protect the "due process" rights of the staff member as well as those of the school district, according to the intent and letter of the statutes and any applicable court decisions.

The Chief School Administrator is directed to establish means whereby all members of the certified staff are made aware of the attitude of the board respecting dismissal/suspension for cause and of each staff member's statutory rights.

Date: April 23, 2009

### Legal References:

N.J.S.A. 18A:6-8.3	Suspended employee or officer of board of education;
N.J.S.A. 18A:6-10 et seq.	compensation; exceptions Dismissal and reduction in compensation of persons under tenure in public school system
N.J.S.A. 18A:16-2 through -5	Physical examinations; requirement
N.J.S.A. 18A:25-6	Suspension of assistant superintendents, principals, and teachers Meeting which could adversely affect employment; right to
N.J.S.A. 18A:25-7	notice and representation New Jersey Employer-Employee Relations Act
~.J.S.A. 34:13A	
N.J.A.C. 6:24-5.1 through -5.3	Charges Under Tenure Employees' Hearing Act 4199S

## **DISMISSAL/SUSPENSION**

### **Certification of Charges Against a Tenured Employee**

It is the policy of the board of education to challenge the continued employment of any tenured employee who demonstrates inefficiency in the performance of his/her duties, is incapable of performing those duties, violates by unbecoming conduct the public trust placed upon employees of this district, or by other means fails to exhibit the good behavior necessary to sustain tenure.

### **Basis for Charges**

- A. Employees shall report to the chief school administrator forthwith any conduct or condition of an employee under their supervision which tends to substantially and materially interfere with the performance of the affected employee's duties.
- B. Any employee against whom a grand jury indictment is handed down and any employee charged with an offense, the prosecution of which is likely to report said indictment or charge to his/her superior forthwith.

### **Filing of Charges**

- A. Any person desiring to file charges against a tenured employee shall present a written document which sets the charges forth with specificity and particularity. To the extent possible, each stated charge should enumerate the grounds on which dismissal may be based. Said statement shall be accompanied by a written statement of evidence made under oath which supports the charges.
- B. Both written statements shall be filed with the board secretary who shall record on each such statement the day on which-it was received. No statement of charges shall be accepted for filing without a statement of evidence. The board secretary shall promptly notify the chief school administrator and the president of the board of education that such charges have been filed.

- C. A copy of the charges and a copy of the statement of evidence shall be promptly sent to the charged employee with a letter informing him/her that he/she may submit to the board secretary of education a written statement of his/her position, if any, regarding the truth or falsity of the charges and a written statement made under oath of the evidence supporting that position, provided that such statements are filed with the board secretary no later than 30 days after the date on which the charges were filed.
- D. Where the preferred charges allege inefficiency, a written statement of the charges shall be given to the employee, and he/she shall be afforded a period of 90 days to correct and overcome the deficiencies.
- E. After the receipt of statements from the employee, or on the expiration of 30 days after the date charges were filed, or, in the case of an employee charged with inefficiency, after the expiration of the period of 90 days during which the employee may correct the deficiency, the board shall meet to determine
  - (a) whether the charges, if true, are sufficiently grave to warrant sanctions by the commissioner and
  - (b) whether there is probable cause to credit the evidence in support of the charges.
- F. In making these determinations the board shall consider the statements offered by the charging person and the charged employee, and, in the case of the employee charged with inefficiency, the evaluations of his/her superiors. No formal hearing shall be held for the determination of charges.
- G. If no action is taken with regard to the charges by the board within 45 days of the date they are filed, or 45 days of the end of the period within which an employee charged with inefficiency is allowed to correct deficiencies, the charges are to be considered dismissed and no further action may be taken on them.
- H. When the board disposes of charges by dismissal or certification it shall promptly notify the charging person and the charged employee of that disposition.

Date: April 23, 2009