

Case Notes

School board acted improperly and in violation of open meeting requirements by discussing public business after meeting had officially ended. *Davis v. Willingboro Board of Education*, 95 N.J.A.R.2d (EDU) 352.

Cancellation of public forum; school board policies and Open Public Meetings Act. N.J.S.A. 10:4-12. *Fuhrmann v. Board of Educ. of the Borough of Middlesex*, 93 N.J.A.R.2d (EDU) 416.

6:3-1.3 Minimum bond requirements for treasurer of school moneys

(a) The minimum requirements for the surety bond for the treasurer of school moneys shall be such percentage of the current year's school budget as is required in the schedule set forth below:

Total School Budget	Minimum Bond Required
Up to \$100,000.00	10 percent of budget (Minimum \$5,000)
\$100,000.01 to \$250,000.00	\$10,000 plus eight percent of all over \$100,000
\$250,000.01 to \$500,000.00	\$22,000 plus six percent of all over \$250,000
\$500,000.01 to \$750,000.00	\$37,000 plus four percent of all over \$500,000
\$750,000.01 to \$1,000,000.00	\$47,000 plus two percent of all over \$750,000
\$1,000,000.01 to \$2,000,000.00	\$52,000 plus one percent of all over \$1,000,000
\$2,000,000.01 to \$5,000,000.00	\$62,000 plus 1/2 percent of all over \$2,000,000
\$5,000,000.01 to \$10,000,000.00	\$77,000 plus 1/4 percent of all over \$5,000,000
\$10,000,000.01 and upwards	\$89,500 plus 1/8 percent of all over \$10,000,000

(b) In fixing such minimum bond, the nearest even \$1,000 shall be used.

(c) The independent school auditor shall verify the adequacy of the treasurer's surety bond which is required by N.J.S.A. 18A:17-32 and shall include appropriate comment, and a recommendation, if needed, in the annual school audit report.

6:3-1.4 Local district responsibility for employment of staff

(a) State certification requirements are those structured training and competency evaluation requirements that are prescribed by the State Board of Education in order to protect the public. In addition, the teaching and other background experiences of candidates for professional positions may often be important considerations in the local selection of specific staff for specific positions. Each district board of education shall determine the types of background experiences and personal qualities, if any, that the district requires or prefers successful candidates for specific positions to possess in addition to appropriate State certification. Such local requirements shall be based upon a careful review of the position in question, and the requirements shall emphasize the nature of experience and the quality of

individual achievement desired, rather than only the amount of experience.

(b) No teaching staff member shall be employed in the public schools by any board of education unless he or she is the holder of a valid certificate (see N.J.S.A. 18A:26-2). In addition, district boards of education should exercise their right and responsibility to require job candidates to present other, more detailed documentation of their competency. Such documentation includes resumes, references, records of past experiences, college transcripts, certification test scores, assessment reports, internship evaluations, and other documentation of competency relevant to the specific position.

(c) District boards of education shall assign to administrative positions those functions which are consistent with the individual qualifications of the position occupant, and shall support the establishment of structures for making instructional decisions that take administrator qualifications into account.

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Chronic and excessive absenteeism warranted removal of tenured secretary. In the Matter of the Tenure Hearing of Linda Latona, 96 N.J.A.R.2d (EDU) 800.

Excessive absenteeism warranted withholding of employee's salary increment. *Webb v. Board of Education of the Town of West Orange*, 96 N.J.A.R.2d (EDU) 782.

Tenured employee's excessive absenteeism, neglect of duty, and misbehavior constituted sufficient cause for termination. In the Matter of Deal, 96 N.J.A.R.2d (EDU) 703.

Board of Education employee failed to establish entitlement to 60 days notice that her position would be eliminated. *Allen v. Newark Board of Education*, 96 N.J.A.R.2d (EDU) 688.

School custodian with criminal record was qualified for employment when proof of rehabilitation was shown. In the Matter of the Disqualification From School Employment of McCullough, 96 N.J.A.R.2d (EDU) 680.

Board of Education must provide analysis of job duties for newly created teaching position to determine reasonableness of dual certification requirement. *Kopko v. Board of Education of the Borough of Cateret*, 96 N.J.A.R.2d (EDU) 665.

Bus driver was properly dismissed after she was charged with narcotics possession, despite fact that charges were dropped upon driver's completion of pre-trial intervention program. *Fagan v. Toms River School District Board of Education*, 96 N.J.A.R.2d (EDU) 622.

Hearing disability consultant who demonstrated rehabilitation was not disqualified from school employment despite drug conviction. *Kalapos v. New Jersey State Department of Education*, 96 N.J.A.R.2d (EDU) 617.

Custodian with drug use record was not disqualified from school employment when rehabilitation was proven. *Pruden v. New Jersey State Department of Education*, 96 N.J.A.R.2d (EDU) 602.

Custodian's discharge for neglect of duty and unexplained absence from work was upheld. *Jimenez v. City of Paterson School District*, 96 N.J.A.R.2d (EDU) 600.

Applicant seeking certification as New Jersey school principal must have master's degree or substantial equivalent course work. *Fisher v. State Board of Examiners*, 96 N.J.A.R.2d (EDU) 561.

Bus driver with three ten-year-old drug convictions not precluded from school employment where evidence demonstrated rehabilitation. *Seifred v. Department of Education*, 96 N.J.A.R.2d (EDU) 558.

School employee was properly disqualified from employment due to past drug charges and convictions. In the Matter of the Disqualification from School Employment of Ali, 96 N.J.A.R.2d (EDU) 551.

Criminal history supported employment disqualification of teacher's aide. In the Matter of the Disqualification from School Employment of Chester, 96 N.J.A.R.2d (EDU) 547.

School custodian provided sufficient evidence of rehabilitation after drug conviction to overcome disqualification from public school employment. In the Matter of the Disqualification from School Employment of Lawrence, 96 N.J.A.R.2d (EDU) 532.

Single prior conviction coupled with rehabilitated lifestyle supported qualification for employment as public school security guard. In the Matter of the Disqualification from School Employment of Henderson, 96 N.J.A.R.2d (EDU) 530.

Insufficient evidence of rehabilitation after drug conviction supported disqualification of applicant for teacher's aide position from public school employment. In the Matter of the Disqualification from School Employment of Gowan, 96 N.J.A.R.2d (EDU) 528.

School employee's refusal to accept responsibility for criminal conduct supports disqualification from employment. *Marshall v. Department of Education*, 96 N.J.A.R.2d (EDU) 521.

Insufficient time of drug-free status after long criminal history precludes finding of rehabilitation and supports school custodian's disqualification from employment. *Butler v. Department of Education*, 96 N.J.A.R.2d (EDU) 517.

Bus driver's criminal history does not bar school employment where rehabilitation shown by clear and convincing evidence. *Marcelle v. Department of Education*, 96 N.J.A.R.2d (EDU) 515.

Tenured school board employee's continuous refusal to comply with board employment policy justifies termination. In the Matter of the Tenure Hearing of Powers, 96 N.J.A.R.2d (EDU) 508.

School bus driver demonstrated clear and convincing evidence of rehabilitation sufficient to overcome disqualification from school employment for prior criminal history. *Gambale v. Department of Education*, 96 N.J.A.R.2d (EDU) 505.

School custodian demonstrated rehabilitation by clear and convincing evidence and removed disqualification from employment for conviction for possession of marijuana. *Trisuzzi v. Department of Education*, 96 N.J.A.R.2d (EDU) 493.

Dismissal of teacher aide upheld where aide failed to demonstrate rehabilitation from past drug use. *Chester v. Department of Education*, 96 N.J.A.R.2d (EDU) 456.

Tenured school district employee properly dismissed for using his position to defraud federal government. In the Matter of the Tenure Hearing of Morton, 96 N.J.A.R.2d (EDU) 440.

Past drug convictions render school custodian unfit for school employment. *Campbell v. Department of Education*, 96 N.J.A.R.2d (EDU) 431.

School custodian demonstrated rehabilitation from criminal lifestyle and fitness for school employment. *McCullough v. Department of Education*, 96 N.J.A.R.2d (EDU) 420.

School employee working as audiovisual library technician entitled to tenure protection accorded clerks because job duties were primarily clerical. *Roach v. South Orange-Maplewood School District*, 96 N.J.A.R.2d (EDU) 370.

School custodian properly terminated for poor performance and unbecoming conduct. In the Matter of the Tenure Charges Against Nathan Purcell, 96 N.J.A.R.2d (EDU) 364.

Tenure rights were not violated where decision to abolish school district assistant purchasing agent's position was found to be reasonable. *Dearden v. Board of Education of the City of Trenton*, 96 N.J.A.R.2d (EDU) 321.

Tenured school board employee's rights not affected by school board's recoupment of salary overpayment in non-tenured position. *Sklute v. Board of Education of the City of Trenton*, 96 N.J.A.R.2d (EDU) 264.

Payroll supervisor for school board properly removed from position for unbecoming conduct after arranging for negative withholding on his own paycheck. In the Matter of the Tenure Charges Against Morton, 96 N.J.A.R.2d (EDU) 236.

School information systems control specialist not tenured clerical position. In the Matter of Dempster, 96 N.J.A.R.2d (EDU) 120.

School board may abolish tenured grounds and building director's position and terminate his employment based on appointed fiscal monitor's directive. *Wollman v. Board of Education of the City of Trenton*, 96 N.J.A.R.2d (EDU) 20.

Equally entitled candidates for position of acting assistant principal and recognition was given to local school board's choice. *Chammings v. Rockaway Township Board of Education*, 93 N.J.A.R.2d (EDU) 891.

6:3-1.5 Support residencies for regularly-certified, inexperienced first-year principals

(a) Regularly-certified, inexperienced first-year principals are individuals who:

1. Acquired regular New Jersey school principal endorsements pursuant to N.J.A.C. 6:11-9.5 prior to September 1, 1989;
2. Have not previously held full-time employment as principals, vice-principals, or in other positions for which the principal endorsement is required in New Jersey or elsewhere; and
3. Have been offered employment as principals or vice-principals in a New Jersey public school district.

(b) Each district employing a regularly-certified, inexperienced first-year principal shall enter into an agreement to provide a principal residency program pursuant to N.J.A.C. 6:11-9.5, including a pre-residency experience, except that:

1. Entry requirements in N.J.A.C. 6:11-9.5 shall not apply to regularly-certified, inexperienced first-year principals;
2. Special certification evaluations as described in N.J.A.C. 6:119.5(c)5iv shall not be conducted for regularly-certified, inexperienced first-year principals, and no evaluations or recommendations concerning their certification shall be presented to the State Department of Education; and
3. As part of the support residency, the district shall require the new principal to undergo an assessment of performance at a State-approved center during the pre-residency phase. The sole purpose of this assessment shall be to provide a diagnosis of strengths and weaknesses as a basis for designing continuing education and support exercises.

(c) The State Department of Education shall monitor local districts to determine compliance with this section.

principal. The term “administrative principal” means the principal who works directly with the board of education in a district which has no position of superintendent of schools.

SUBCHAPTER 2. CHIEF SCHOOL ADMINISTRATOR

6:3-2.1 Chief school administrator defined

Whenever the phrase “chief school administrator” is used throughout Title 6, it shall mean the superintendent of schools, or, if there is no superintendent, the administrative

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School board was authorized to rescind initial three-year contract and to renegotiate new five-year contract with superintendent. *Graham v. Kearny Board of Education*, 95 N.J.A.R.2d (EDU) 510.

Authority was vested in school board to extend employment contract with superintendent while existing contract was still in effect. *West Village Civic Club v. Manchester Board of Education*, 95 N.J.A.R.2d (EDU) 115.