

# POLICY

## NUTLEY BOARD OF EDUCATION

TEACHING STAFF MEMBERS  
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Inefficiency of a  
Tenured Staff Member

### 3144.12 INEFFICIENCY OF A TENURED STAFF MEMBER

It is the duty of the Board to protect the pupils of this district from the classroom influence of inefficient teachers. For purposes of this policy the Board defined inefficiency as activity unproductive of desired results by reason of the wasteful use of time or energy through carelessness or ineffectiveness. Incompetency is defined as the inability to perform assigned duties.

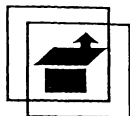
For a tenure teaching staff member of this system to be charged by the Board with inefficiency, the following conditions must be demonstrated by the Superintendent.

1. The teacher was aware of the results expected at the start of the assignment.
2. The teacher was found to be wanting by teaching staff members qualified to perform evaluations using generally endorsed professional methods.
3. The teacher was given written notice by the Superintendent upon order of the Board of the alleged inefficiency, specifying the nature thereto with such particulars as to furnish him/her an opportunity to correct and overcome the same.
4. The teacher was found at least ninety days after being given notice (but less than 135 days) still to be inefficient in the performance of his/her duties.

Upon the demonstration of the preceding conditions by the Superintendent and following the determination by the Board in accordance with statute that "...there is probable cause to credit the evidence in support of the charge, and whether such charge, if credited, is sufficient to warrant a dismissal or reduction in salary ..." the Board shall certify the charges of inefficiency to the Commissioner. (18A:6-11)

The Superintendent shall prepare regulations for the implementation of this policy which shall include the following:

1. The Superintendent shall be informed of the teacher's performance as determined in at least two observation performed in the same school year.



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2. The Superintendent shall decide based on personal evaluation whether to recommend a ninety day notice for Board approval or to counsel the teacher further. Should a ninety day notice be prepared, the teacher's immediate supervisor shall assist the Superintendent in specifying the inefficiencies and type of correction demanded.
3. During the ninety day period, the teacher shall be observed in accordance with district approved procedures at least twice a month except that the final evaluation before certification of charges shall not be made before the ninetieth day.
4. Within ten school days following the conclusion of the ninety day period, the teacher's immediate supervisor shall either provide written charges and the proof thereof to the Superintendent or notify him/her that the inefficiencies have been corrected, and she/he does not recommend certification of charges.

Adopted: 3 May 2004

