

# Policy

**NUTLEY  
BOARD OF EDUCATION**

TEACHING STAFF MEMBERS  
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EMPLOYMENT OF TEACHING STAFF MEMBERS

## 3125 EMPLOYMENT OF TEACHING STAFF MEMBERS

The Board of Education believes that it is vital to the successful operation of the district that teaching staff member positions created by the Board be filled with highly qualified and competent teaching staff members.

The Superintendent at his/her discretion shall recruit, screen, and recommend to the Board suitable candidates for district employment. The Board shall approve the employment, fix the compensation, and establish the term of employment for every teaching staff member employed by this district. Approval shall be given only to those candidates for employment recommended by the Superintendent.

The Superintendent at his/her discretion may assign a person to fill a sudden vacancy, subject to ratification of that action by the Board at the next Board meeting, and may appoint substitute teachers in accordance with this policy.

In order to qualify for a teaching staff member position a candidate must:

1. Possess a standard certificate issued by the New Jersey State Board of Examiners with an endorsement appropriate to the position he/she is to fill; or
2. Have qualified and applied for such a certificate; or
3. If applying for employment as Principal by an alternate route, qualify for the provisional certificate for admission to the Principal Residency Program; or
4. If applying for his/her first teaching position, possess a Certificate of Eligibility or Certificate of Eligibility with Advanced Standing for issuance of a provisional instructional certificate; or



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15. In the event extenuating circumstances prevent the Board from recruiting a suitable certified candidate in those endorsement areas permitted by State Board rules, possess an emergency certificate appropriately endorsed.

The Superintendent at his/her discretion shall require visual proof of any candidate's certification or pending application for certification.

No person shall be employed in a position involving regular contact with pupils unless the Board has notice that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify the individual from being employed or utilized in such capacity or position.

Criminal history record checks will be required pursuant to New Jersey Department of Education regulations and procedures. Any person to be employed by the district, other than a school bus driver, must undergo a criminal history background check. All contracted employees having regular pupil contact must undergo a criminal record history check. Approval letters will be valid only for the district or contract service provider through which the person to be employed made application for employment.

A permanent employee hired prior to October 8, 1986, who applies for and is selected for a different position in the district is "grandfathered" and not required to undergo a criminal history background check. An employee hired after October 8, 1986 for a position without regular pupil contact and later receives a position with pupil contact, must undergo a criminal history background check at the time of transfer to the new position.

Individuals who provide volunteer services and pupil teachers are not subject to this criminal history record information requirement. An individual shall be permanently disqualified from employment or service in the school district if the criminal history record check reveals a record of conviction for crimes as defined in N.J.S.A. 18A:6-7.1.

Substitute employees, who are rehired annually by the Board, are required to undergo a criminal history record check upon initial employment, provided the substitute continues in the employ of at least one of the districts at which the substitute was employed within one year of the approval of the criminal history record check. A substitute employee later selected for a permanent position within the district does not need to undergo a new criminal history background check provided there is no break in service in the



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substitute employment. A break in service is when the employee is no longer approved by the employing Board of Education. An employee who has been laid off (dismissed because of employee reduction) and is asked to be re-employed by the district and/or contractor must submit to a new criminal history background check.

The Board or contracted service provider may employ an applicant on an emergent basis for a period not to exceed 30 days, pending completion of a criminal history records check if the Board or contractor demonstrates to the Commissioner of Education that special circumstances exist which justify the emergent employment as prescribed in N.J.S.A. 18A:6-7.1c.

No criminal history record check shall be furnished unless the applicant provided written consent to the check. The applicant shall bear the cost for the check, including all costs for administering and processing the check. The district will deny employment to an applicant if the applicant is required and refuses to submit to a criminal history background check.

A teaching staff member's misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

## Nepotism

The Board will not employ but may reemploy the child, sibling, spouse, or parent, in fact or in-law, or any dependent of a Board member.

All new employees will be required, within three days of the first day of hire, to complete the federal Form I-9 and supply the documentation necessary to demonstrate the employee's identity and employment eligibility under the Immigration Reform and Control Act of 1986. Completed Forms I-9 will be retained for three years or until one year after the end of the employee's separation, whichever is longer.

## Part-time Teaching Staff Members

A "part-time teaching staff member" is a member employed less than full-time. "Full-time" is employment for a full school day and a full school week; a full school day is defined by the worksite, and a full school week is five days, Monday through Friday.



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## Substitute Teachers

The Board will employ substitutes for absent teachers in order to ensure continuity in the instructional program and will annually approve a list of substitutes.

The Superintendent at his/her discretion may select substitutes from the list approved by the Board to serve in the place of an absent teacher who retains an entitlement to a regular position.

Preference will be given to substitutes who are fully certified in the area for which they are engaged. A substitute who holds a county substitute certificate or a regular certificate without appropriate endorsements shall serve no more than twenty consecutive days in the same position.

A substitute teacher shall follow the daily lesson plan provided by the regular teacher and, when that plan is exhausted, the instructions of the Principal. A substitute may not plan or direct an instructional program except as expressly permitted by the Superintendent.

Short-term substitute teachers shall be compensated by a two-step per diem wage established annually by the Board and will receive no other benefits.

In order to meet the needs of the district in circumstances deemed exceptional by the Superintendent, he or she shall be empowered to adjust the rates, in his or her discretion, and to recommend the change to the Board accordingly.

Service as a substitute will not count toward the accrual of tenure or seniority.

## Summer Enrichment Program

The Board shall approve the employment, fix the compensation, and set the term of employment for each person employed in the Summer Enrichment Program established for this district. The Board will employ only those candidates recommended by the Superintendent.

Service as a Summer Enrichment Program teacher will not count toward the accrual of tenure or seniority.



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## **Nutley Board of Education Extended Day Program (EDP)**

The Board shall approve the employment, fix the compensation, and set the term of employment for each person employed in the Extended Day Program established for this district. All supervisor and instructors must be certificated teachers. The Board will employ only those candidates recommended by the Superintendent. Service as an Extended Day Program teacher will not count toward the accrual of tenure or seniority.

## **Athletic Coaches**

The Board authorizes the Athletic Director and the Superintendent at their discretion to recommend the employment of qualified coaches for the district interscholastic and intramural athletic programs. The Board will employ as athletic coaches only those persons who have experience in and knowledge of the specific sport, are properly certified, and possess the personal characteristics that qualify them to serve as role models to the pupils they coach.

An athletic coach whose duties include the athletic training of pupil athletes will be designated an athletic trainer and must be registered by the State Board of Medical Examiners as an athletic trainer.

The Athletic Director and the Superintendent at their discretion shall advertise Athletic Director and the vacancy in a coaching position by posting notice of the vacancy in this school district and by simultaneously advertising the vacancy by appropriate means throughout the region. The Athletic Director and the Superintendent at their discretion may thereafter recommend to the Board the employment of the best qualified candidate for the coaching position.

The Athletic Director and the Superintendent at their discretion may recommend to the Board a candidate who is best qualified, provided that the Superintendent has demonstrated to the County Superintendent that the vacant coaching position has been advertised and no qualified, candidate has applied for the position; the Superintendent has attested in writing to the County Superintendent the prospective employee's knowledge and experience in the sport; and the County Superintendent has approved the employment of the candidate.



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An athletic coach employed under a county substitute's certificate, having accrued 60 credits shall be employed for a single designated sports season; his/her employment shall not necessarily be limited to twenty days.

An athletic coach employed by this district who is not a regular employee of this district shall be employed only for the duration of the specific sport season. He/She shall be paid the stipend that would be paid to a district employee in the same position and shall be supervised by the Athletic Director. No out-of-district athletic coach shall be eligible for tenure or for employment benefits.

N.J.S.A. 18A:6-5 et seq.; 18A:6-7.1 et seq.;  
18A:16-1; 18A:26-1 et seq.; 18A:27-1;  
18A:27-4

N.J.A.C. 6:11-3.1; 6:11-4.2 et seq.;  
6:11-5.1 et seq.; 6:29-3.3

Adopted: 3 May 2004

Revised: 28 February 2005

