

Certification of Tenure Charges - Inefficiency

Regulations Follow

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**3144.12 CERTIFICATION OF
TENURE CHARGES – INEFFICIENCY**

In accordance with the provisions of N.J.S.A. 18A:6-17.3 and notwithstanding the provisions of N.J.S.A. 18A:6-11 or any other section of law to the contrary, in the case of a teaching staff member, Principal, Assistant Principal, Director, or Supervisor, the Superintendent shall promptly file with the Secretary of the Board of Education a charge of inefficiency whenever the employee is rated ineffective or partially effective in an annual summative evaluation and the following year is rated ineffective in the annual summative evaluation.

If the teaching staff member, Principal, Assistant Principal, Director, or Supervisor is rated partially effective in two consecutive annual summative evaluations or is rated ineffective in an annual summative evaluation, and the following year is rated partially effective in the annual summative evaluation, the Superintendent shall promptly file with the Secretary of the Board of Education a charge of inefficiency, except that the Superintendent, upon a written finding of exceptional circumstances, may defer the filing of tenure charges until after the next annual summative evaluation. If the employee is not rated effective or highly effective on this next annual summative evaluation, the Superintendent shall promptly file a charge of inefficiency.

Within thirty days of the filing, the Board of Education shall forward a written charge to the Commissioner of Education, unless the Board of Education determines the evaluation process has not been followed.

Notwithstanding the provisions of N.J.S.A. 18A:6-16 or any other section of law to the contrary, upon receipt of a charge pursuant to N.J.S.A. 18A:6-17.3.a, and this Policy, the Commissioner of Education shall examine the charge. The individual against whom the charges are filed shall have ten days to submit a written response to the charges to the Commissioner of Education. The Commissioner of Education shall, within five days immediately following the period provided for a written response to the charges, refer the case to an arbitrator and appoint an arbitrator to hear the case, unless the Commissioner determines the evaluation process has not been followed.

The only evaluations which may be used for purposes of N.J.S.A. 18A:6-17.3 are those evaluations conducted in accordance with a rubric adopted by the Board of Education and approved by the Commissioner of Education pursuant to P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.

N.J.S.A. 18A:6-11; 18A:6-17.3

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R 3144.12 Certification of
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The following procedures and timelines shall be observed when tenure charges are charges of inefficiency pursuant to N.J.S.A. 18A:6-17.3.

1. When the conditions described in N.J.S.A. 18A:6-17.3.a(1) or (2) and as outlined in Policy 3144.12 have been satisfied, the Superintendent shall promptly file with the Secretary of the Board a charge of inefficiency.
2. The charges of inefficiency shall be transmitted to the affected tenured employee and the employee's representative, if known, within three working days of the date the charges were filed with the Secretary of the Board. Proof of mailing or hand delivery shall constitute proof of transmittal.
3. The affected tenured employee shall have an opportunity within ten days of receipt to submit to the Board a written statement of position under oath demonstrating how the school district failed to comply with evaluation procedures.
4. Within thirty days of the filing, the Board shall forward a written charge to the Commissioner unless the Board determines the evaluation process has not been followed. Such determination shall be made by a majority vote of the Board's full membership.
5. Upon receipt of the charge, the Commissioner or his or her designee shall examine the charge. The charge shall again be served upon the employee at the same time it is forwarded to the Commissioner and proof of service shall be included with the filed charge. The individual against whom the charge is filed shall have ten days to submit to the Commissioner a written response to the charge.
6. Within five days of the individual's deadline to submit a written response to the charge, the Commissioner shall appoint an arbitrator to hear the case and refer the case to the arbitrator, unless he/she determines the evaluation process has not been followed.
7. Pursuant to N.J.S.A. 18A:6-11, all deliberations and actions of the Board of Education with respect to such charges shall take place at a closed/executive session meeting.