

SENATE, No. 407

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

SYNOPSIS

“Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) Act.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel

WITHDRAWN



1 AN ACT concerning school employees, revising various parts of the
2 statutory law, and supplementing chapters 6 and 28 of Title 18A
3 of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) This act shall be known and may be cited as
9 the “Teacher Effectiveness and Accountability for the Children of
10 New Jersey (TEACHNJ) Act.”

11
12 2. N.J.S.18A:6-10 is amended to read as follows:

13 18A:6-10. a. No person shall be dismissed or reduced in
14 compensation,

15 **[(a)]** (1) if he is or shall be under tenure of office, position or
16 employment during good behavior and efficiency in the public
17 school system of the state, or

18 **[(b)]** (2) if he is or shall be under tenure of office, position or
19 employment during good behavior and efficiency as a supervisor,
20 teacher or in any other teaching capacity in the Marie H.
21 Katzenbach school for the deaf, or in any other educational
22 institution conducted under the supervision of the commissioner;

23 except for inefficiency, incapacity, unbecoming conduct, or other
24 just cause, and then only after a hearing held pursuant to this
25 subarticle, by the commissioner, or a person appointed by him to act
26 in his behalf, after a written charge or charges, of the cause or
27 causes of complaint, shall have been preferred against such person,
28 signed by the person or persons making the same, who may or may
29 not be a member or members of a board of education, and filed and
30 proceeded upon as in this subarticle provided.

31 Nothing in this section shall prevent the reduction of the number
32 of any such persons holding such offices, positions or employments
33 under the conditions and with the effect provided by law.

34 b. For the purposes of this section: “incapacity, unbecoming
35 conduct, or other just cause” includes but shall not be limited to, an
36 employee’s conviction of, or alleged involvement in, a felony or
37 other crime involving moral turpitude, or an employee’s
38 engagement in:

39 (1) the improper use of physical force against students including
40 excessive student discipline;

41 (2) inappropriate physical contact with students;

42 (3) sexual abuse or harassment of any individual through any
43 means of communication including all forms of electronic
44 communication;

45 (4) excessive and repeated absenteeism or tardiness;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 (5) continued and repeated violation of or refusal to obey State
2 or school district rules and regulations;
3 (6) racial, gender, religious, and other forms of discrimination;
4 (7) alcohol or drug abuse which renders the employee unfit to
5 perform his professional duties or associate with students; and
6 (8) health violations that make the teacher unfit to instruct or
7 associate with students.

8 (cf: N.J.S.18A:6-10)

9

10 3. N.J.S.18A:6-11 is amended to read as follows:

11 18A:6-11. Any charge made against any employee of a board of
12 education under tenure during good behavior and efficiency shall be
13 filed with the secretary of the board in writing, and a written
14 statement of evidence under oath to support such charge shall be
15 presented to the board. The board of education shall forthwith
16 provide such employee with a copy of the charge, a copy of the
17 statement of the evidence and an opportunity to submit a written
18 statement of position and a written statement of evidence under oath
19 with respect thereto. After consideration of the charge, statement of
20 position and statements of evidence presented to it, the board shall
21 determine by majority vote of its full membership whether there is
22 probable cause to credit the evidence in support of the charge and
23 whether such charge, if credited, is sufficient to warrant a dismissal
24 or reduction of salary. The board of education shall forthwith
25 notify the employee against whom the charge has been made of its
26 determination, personally or by certified mail directed to his last
27 known address. In the event the board finds that such probable
28 cause exists and that the charge, if credited, is sufficient to warrant
29 a dismissal or reduction of salary, then it shall forward such written
30 charge to the commissioner for a hearing pursuant to N.J.S. 18A:6-
31 16, together with a certificate of such determination. **【Provided,**
32 **however, that if the charge is inefficiency, prior to making its**
33 **determination as to certification, the board shall provide the**
34 **employee with written notice of the alleged inefficiency, specifying**
35 **the nature thereto, and allow at least 90 days in which to correct and**
36 **overcome the inefficiency.】** The consideration and actions of the
37 board as to any charge shall not take place at a public meeting.

38 (cf: P.L.1975, c.304, s.1)

39

40 4. N.J.S.18A:6-13 is amended to read as follows:

41 18A:6-13. If the board does not make such a determination
42 within 45 days after receipt of the written charge **【, or within 45**
43 **days after the expiration of the time for correction of the**
44 **inefficiency, if the charge is of inefficiency】**, the charge shall be
45 deemed to be dismissed and no further proceeding or action shall be
46 taken thereon.

47 (cf: N.J.S.18A:6-13)

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1 5. N.J.S.18A:6-16 is amended to read as follows:

2 18A:6-16. Upon receipt of such a charge and certification, or of
3 a charge lawfully made to the commissioner, the commissioner or
4 the person appointed to act in the commissioner's behalf in the
5 proceedings shall examine the charges and certification. The
6 individual against whom the charges are certified shall have 15 days
7 to submit a written response to the charges to the commissioner.
8 Upon a showing of good cause, the commissioner may grant an
9 extension of time. The commissioner shall render a determination
10 on the sufficiency of charges and shall refer the case to the Office
11 of Administrative Law, if appropriate, as set forth below within
12 **[15] 10** days immediately following the period provided for a
13 written response to the charges.

14 If, following receipt of the written response to the charges, the
15 commissioner is of the opinion that they are not sufficient to
16 warrant dismissal or reduction in salary of the person charged, he
17 shall dismiss the same and notify said person accordingly. If,
18 however, he shall determine that such charge is sufficient to warrant
19 dismissal or reduction in salary of the person charged, he shall
20 **[within 10 days of making that determination]** refer the case to the
21 Office of Administrative Law for further proceedings, except that
22 when a motion for summary decision has been made prior to that
23 time, the commissioner may retain the matter for purposes of
24 deciding the motion.

25 (cf: P.L.1998, c.42, s.2)

26
27 6. N.J.S.18A:28-5 is amended to read as follows:

28 18A:28-5. a. The services of all teaching staff members
29 employed prior to the effective date of P.L. , c. (C.) (pending
30 before the Legislature as this bill) in the positions of teacher,
31 principal, other than administrative principal, assistant principal,
32 vice-principal, assistant superintendent, and all school nurses
33 including school nurse supervisors, head school nurses, chief school
34 nurses, school nurse coordinators, and any other nurse performing
35 school nursing services, school athletic trainer and such other
36 employees as are in positions which require them to hold
37 appropriate certificates issued by the board of examiners, serving in
38 any school district or under any board of education, excepting those
39 who are not the holders of proper certificates in full force and effect
40 and school business administrators shared by two or more school
41 districts, shall be under tenure during good behavior and efficiency
42 and they shall not be dismissed or reduced in compensation except
43 for inefficiency, incapacity, or conduct unbecoming such a teaching
44 staff member or other just cause and then only in the manner
45 prescribed by subarticle B of article 2 of chapter 6 of this Title,
46 after employment in such district or by such board for:

- 1 **[(a)]** (1) Three consecutive calendar years, or any shorter period
2 which may be fixed by the employing board for such purpose; or
- 3 **[(b)]** (2) Three consecutive academic years, together with
4 employment at the beginning of the next succeeding academic year;
5 or
- 6 **[(c)]** (3) The equivalent of more than three academic years
7 within a period of any four consecutive academic years.
- 8 b. The services of all teaching staff members employed on or
9 after the effective date of P.L. , c. (C.) (pending before the
10 Legislature as this bill) in the position of assistant superintendent,
11 school nurse, including school nurse supervisors, head school
12 nurses, chief school nurses, school nurse coordinators, and any
13 other nurse performing school nursing services, school athletic
14 trainer and such other employees as are in positions which require
15 them to hold appropriate certificates issued by the board of
16 examiners, serving in any school district or under any board of
17 education, excepting employees in the position of teacher, principal,
18 assistant principal, and vice-principal, those who are not the holders
19 of proper certificates in full force and effect, and school business
20 administrators shared by two or more school districts, shall be
21 under tenure during good behavior and efficiency and they shall not
22 be dismissed or reduced in compensation except for inefficiency,
23 incapacity, or conduct unbecoming such a teaching staff member or
24 other just cause and then only in the manner prescribed by
25 subarticle B of article 2 of chapter 6 of this Title, after employment
26 in such district or by such board for:
- 27 (1) Three consecutive calendar years, or any shorter period
28 which may be fixed by the employing board for such purpose; or
- 29 (2) Three consecutive academic years, together with
30 employment at the beginning of the next succeeding academic year;
31 or
- 32 (3) The equivalent of more than three academic years within a
33 period of any four consecutive academic years.
- 34 c. The services of all teaching staff members employed on or
35 after the effective date of P.L. , c. (C.)(pending before the
36 Legislature as this bill) by a district or a board in the position of
37 teacher, principal, other than administrative principal, assistant
38 principal, and vice-principal shall be under tenure during good
39 behavior and efficiency and they shall not be dismissed or reduced
40 in compensation except for inefficiency, incapacity, or conduct
41 unbecoming such a teaching staff member or other just cause and
42 then only in the manner prescribed by subarticle B of article 2 of
43 chapter 6 of this Title, after the employee receives a rating of
44 effective in each of three consecutive annual evaluations with the
45 first effective rating being received on or after the completion of the
46 second year of employment.

1 In order to achieve tenure pursuant to this subsection, a teacher
2 shall also complete a district mentorship program during the initial
3 year of employment.

4 For purposes of this subsection, “effective” means the employee
5 meets the performance standards established by the board of
6 education for his position, as documented in the annual evaluation
7 of the employee.

8 d. For purposes of this chapter, tenure in any of the
9 administrative or supervisory positions enumerated herein shall
10 accrue only by employment in that administrative or supervisory
11 position. Tenure so accrued shall not extend to any other
12 administrative or supervisory position and nothing herein shall limit
13 or restrict tenure rights which were or may be acquired pursuant to
14 N.J.S.18A:28-6 in a position in which the individual actually
15 served.

16 (cf: P.L.1999, c.87, s.3)

17
18 7. N.J.S.18A:28-6 is amended to read as follows:

19 18A:28-6. Any such teaching staff member under tenure or
20 eligible to obtain tenure under this chapter, who is transferred or
21 promoted with his consent to another position covered by this
22 chapter on or after July 1, 1962, shall not obtain tenure in the new
23 position until after:

24 (a) the expiration of a period of employment of two consecutive
25 calendar years in the new position unless a shorter period is fixed
26 by the employing board for such purpose; or

27 (b) employment for two academic years in the new position
28 together with employment in the new position at the beginning of
29 the next succeeding academic year; or

30 (c) employment in the new position within a period of any three
31 consecutive academic years, for the equivalent of more than two
32 academic years;

33 provided that the period of employment in such new position
34 shall be included in determining the tenure and seniority rights in
35 the former position held by such teaching staff member, and in the
36 event the employment in such new position is terminated before
37 tenure is obtained therein, if he then has tenure in the district or
38 under said board of education, such teaching staff member shall be
39 returned to his former position at the salary which he would have
40 received had the transfer or promotion not occurred together with
41 any increase to which he would have been entitled during the period
42 of such transfer or promotion.

43 In order to receive tenure pursuant to this section, a teacher,
44 principal, assistant principal, or vice-principal shall be evaluated as
45 effective in three consecutive annual evaluations.

46 For purposes of this section, “effective” means the employee
47 meets the performance standards established by the board of

1 education for his position, as documented in the annual evaluation
2 of the employee.

3 (cf: N.J.S.18A:28-6)

4
5 8. N.J.S.18A:28-10 is amended to read as follows:

6 18A:28-10. Dismissals resulting from any such reduction shall
7 not be made by reason of residence, age, sex, marriage, race,
8 religion or political affiliation but , except in the case of a teaching
9 staff member employed in the position of teacher, principal,
10 assistant principal, or vice-principal who acquires tenure after the
11 effective date of P.L. , c. (C.) (pending before the Legislature
12 as this bill), shall be made on the basis of seniority according to
13 standards to be established by the commissioner with the approval
14 of the state board.

15 (cf: N.J.S.18A:28-10)

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17 9. N.J.S. 18A:28-12 is amended to read as follows:

18 18A:28-12. If any teaching staff member, other than a teacher,
19 principal, assistant principal, or vice-principal who acquires tenure
20 after the effective date of P.L. , c. (C.) (pending before the
21 Legislature as this bill), shall be dismissed as a result of such
22 reduction, such person shall be and remain upon a preferred eligible
23 list in the order of seniority for reemployment whenever a vacancy
24 occurs in a position for which such person shall be qualified and he
25 shall be reemployed by the body causing dismissal, if and when
26 such vacancy occurs and in determining seniority, and in computing
27 length of service for reemployment, full recognition shall be given
28 to previous years of service, and the time of service by any such
29 person in or with the military or naval forces of the United States or
30 of this State, subsequent to September 1, 1940, and the time of
31 service of any member of the American Merchant Marine during
32 World War II who is declared by the United States Department of
33 Defense to be eligible for federal veterans' benefits, shall be
34 credited to him as though he had been regularly employed in such a
35 position within the district during the time of such military or naval
36 service, except that the period of that service shall not be credited
37 toward more than four years of employment or seniority credit.

38 (cf: P.L.1991, c.389, s.3)

39
40 10. (New section) a. Any teaching staff member under tenure
41 pursuant to State law who accepts employment in the same position
42 in another school district shall be under tenure in that position in the
43 new district during good behavior and efficiency and shall not be
44 dismissed or reduced in compensation except for inefficiency,
45 incapacity, or conduct unbecoming such a teaching staff member or
46 other just cause and then only in the manner prescribed by

1 subarticle B of article 2 of chapter 6 of this Title, after employment
2 in such district for:

- 3 (1) Two consecutive calendar years; or
- 4 (2) Two consecutive academic years, together with employment
5 at the beginning of the next succeeding academic year; or
- 6 (3) The equivalent of two academic years within a period of any
7 three consecutive academic years.

8 b. In order to receive tenure pursuant to subsection a. of this
9 section, a teacher, principal, assistant principal, or vice-principal
10 shall be evaluated as effective in two consecutive annual
11 evaluations.

12 For purposes of this subsection, “effective” means the employee
13 meets the performance standards established by the board of
14 education for his position, as documented in the annual evaluation
15 of the employee.

16

17 11. (New section) Notwithstanding N.J.S.18A:6-17 or any other
18 section of law to the contrary, any tenure charge transmitted to the
19 Office of Administrative Law pursuant to N.J.S.18A:6-16 shall be
20 adjudicated in an expeditious and timely manner as follows:

21 a. The initial hearing on the charge shall commence within 30
22 days of its transmittal to the Office of Administrative Law.

23 b. Upon transmittal of the charge, the employing board of
24 education shall provide all evidence to the employee or the
25 employee’s representative. At least 10 days prior to the hearing, the
26 employee shall provide all evidence upon which he will rely to the
27 employing board of education or its representative. Both parties
28 shall be precluded from presenting any additional evidence at the
29 hearing except for purposes of impeachment of witnesses.

30 c. Notwithstanding the provisions of N.J.S.18A:6-25 or any
31 other section of law to the contrary, the final determination on the
32 controversy or dispute shall be rendered within 30 days of the start
33 of the hearing by the administrative law judge.

34

35 12. (New section) a. If the decision of the administrative law
36 judge is in support of the tenure charges, the Commissioner of
37 Education shall notify the State Board of Examiners, in writing, of
38 the decision.

39 b. The State Board of Examiners shall only review a tenure
40 charge case referred to an administrative law judge pursuant to
41 N.J.S.18A:6-16 if it has received notification pursuant to subsection
42 a. of this section.

43

44 13. (New section) For the purposes of sections 14 through 18 of
45 P.L. , c. (C.) (pending before the Legislature as this bill),
46 “ineffective” means the employee fails to meets the performance

1 standards established by the board of education for his position, as
2 documented in the annual evaluation of the employee.

3
4 14. (New section) a. In order to ensure the effectiveness of its
5 teachers, each school shall convene a school improvement panel. A
6 panel shall include the principal, an assistant or vice-principal, and
7 a teacher or other member of the instructional staff nominated by
8 the principal and approved by the instructional staff. In the event
9 that an assistant or vice-principal is not available to serve on the
10 panel, the principal shall appoint an additional member to the panel.

11 b. The panel shall be directly involved in the hiring of new
12 teachers, oversee the mentoring of teachers, and conduct annual
13 evaluations of teachers. The panel shall also identify professional
14 development opportunities for all instructional staff members that
15 are tailored to meet the unique needs of the students and staff of the
16 school.

17 c. The panel shall conduct a mid-year evaluation of any
18 tenured employee in the position of teacher who is evaluated as
19 ineffective in his most recent annual evaluation.

20 d. A member of the panel shall be prohibited from participating
21 in his own evaluation.

22 e. Information related to the evaluation of an employee shall be
23 maintained by the school district and shall be confidential.

24
25 15. (New section) a. In order to ensure the effectiveness of the
26 schools in the district, the superintendent of schools or his designee
27 shall conduct an annual evaluation of each principal employed by
28 the school district.

29 b. The principal, in conjunction with the superintendent or his
30 designee, shall conduct an annual evaluation of each assistant
31 principal and vice-principal employed in his school.

32 c. The superintendent or his designee and the principal, as
33 appropriate, shall conduct a mid-year evaluation of any tenured
34 principal, assistant principal, or vice-principal who is evaluated as
35 ineffective in his most recent annual evaluation.

36 d. Information related to the evaluation of an employee shall be
37 maintained by the school district and shall be confidential.

38
39 16. (New section) a. Except as otherwise provided pursuant to
40 N.J.S.18A:28-10, the principal, in consultation with the school
41 improvement panel, shall have sole authority to appoint or remove
42 an employee in the position of teacher, assistant principal, or vice-
43 principal. Notwithstanding any provision of law to the contrary,
44 any action taken by a principal to appoint or remove an employee
45 shall not be subject to approval by either the superintendent of
46 schools or the board of education.

1 b. Notwithstanding any provision of law to the contrary, the
2 principal, in consultation with the panel, shall revoke the tenure
3 granted to an employee in the position of teacher, assistant
4 principal, or vice-principal if the employee is evaluated as
5 ineffective in two consecutive annual evaluations.

6 c. The revocation of the tenure status of a teacher, assistant
7 principal, or vice-principal shall not be subject to grievance or
8 appeal unless the grievance or appeal relates to a charge that the
9 principal failed to adhere substantially to the approved evaluation
10 system. Any such appeal initiated by an employee shall be directed
11 to an administrative law judge within 30 days of the revocation of
12 the employee's tenure status. The appeal shall be reviewed by an
13 administrative law judge within 30 days of the receipt of the appeal.

14 d. Information related to the revocation of an employee's
15 tenure status shall be maintained by the school district and shall be
16 confidential.

17
18 17. (New section) a. Notwithstanding any provision of law to
19 the contrary, the superintendent, or a designee with expertise in
20 school district personnel, shall revoke the tenure granted to a
21 principal if the principal is evaluated as ineffective in two
22 consecutive annual evaluations.

23 b. The revocation of the tenure status of a principal shall not be
24 subject to grievance or appeal unless the grievance or appeal relates
25 to a charge that the superintendent, or his designee, failed to adhere
26 substantially to the approved evaluation system. Any such appeal
27 initiated by a principal shall be made to an administrative law judge
28 within 30 days of the revocation of the principal's tenure status. The
29 appeal shall be reviewed by an administrative law judge within 30
30 days of the receipt of the appeal.

31 c. Information related to the revocation of a principal's tenure
32 status shall be maintained by the school district and shall be
33 confidential.

34
35 18. (New section) A teacher, principal, assistant principal, or
36 vice-principal whose tenure is revoked pursuant to the provisions of
37 section 16 or 17 of P.L. , c. (C.) (pending before the
38 Legislature as this bill) shall reacquire tenure in that position, in the
39 event that the district determines to continue his employment,
40 during good behavior and efficiency and shall not be dismissed or
41 reduced in compensation except for inefficiency, incapacity, or
42 conduct unbecoming such a teaching staff member or other just
43 cause and then only in the manner prescribed by subarticle B of
44 article 2 of chapter 6 of this Title, after the employee receives a
45 rating of effective in each of two consecutive annual evaluations.

1 19. (New section) A board of education shall adopt a policy to
2 establish a mentoring program that pairs experienced teachers with
3 first-year teachers to provide confidential support and guidance in
4 accordance with the Professional Standards for Teachers. The
5 program shall: enhance teacher knowledge of, and strategies related
6 to, the core curriculum content standards in order to facilitate
7 student achievement; identify exemplary teaching skills and
8 educational practices necessary to acquire and maintain excellence
9 in teaching; and assist first-year teachers in the performance of their
10 duties and adjustment to the challenges of teaching. To the greatest
11 extent feasible, mentoring activities shall be developed in
12 consultation with the school improvement panels established
13 pursuant to section 14 of P.L. , c. (C.) (pending before the
14 Legislature as this bill) in order to be responsive to the unique
15 needs of different teachers in different instructional settings.

16
17 20. (New section) a. A board of education shall adopt a policy
18 to provide its teaching staff members with ongoing professional
19 development that supports student achievement. To the greatest
20 extent feasible, professional development opportunities shall be
21 developed in consultation with the school improvement panels
22 established pursuant to section 14 of P.L. , c. (C.) (pending
23 before the Legislature as this bill) in order to be responsive to the
24 unique needs of different instructional staff members in different
25 instructional settings.

26 b. A board of education shall provide additional professional
27 development for any teaching staff member who fails or is
28 struggling to meet the performance standards established by the
29 board, as documented in the teaching staff member's annual
30 evaluation. The additional professional development shall be
31 designed to correct the needs identified in the evaluation.

32
33 21. (New section) A school district shall annually submit to the
34 Commissioner of Education, for review and approval, the
35 evaluation rubrics that the district will use to assess the
36 effectiveness of its teachers, principals, assistant principals, and
37 vice-principals. The board shall ensure that an approved rubric is
38 partially based on objective measures of student growth.

39
40 22. (New section) The Commissioner of Education shall review
41 and approve evaluation rubrics submitted by school districts
42 pursuant to section 21 of P.L. , c. (C.) (pending before the
43 Legislature as this bill).

44
45 23. (New section) a. In the event of a school closure, a teacher
46 who has acquired tenure on or after the effective date of P.L. ,
47 c. (C.) (pending before the Legislature as this bill) whose

1 position is eliminated due to the closure shall be designated by the
2 school district as a member of a priority hiring pool. A member of
3 a priority hiring pool shall be provided an opportunity to interview
4 for vacant in-district teaching positions for which he is qualified
5 before a school improvement panel may consider outside
6 applicants. In order to qualify as a member of the priority hiring
7 pool, the employee shall have received an effective rating on his
8 most recent annual evaluation.

9 b. A member of the priority hiring pool shall continue to
10 receive his salary and benefits in the 12 months following the
11 school closure, or until such time as he secures another position
12 within the district or submits his resignation.

13 c. Notwithstanding any provision of law to the contrary, in the
14 event that the teacher has not secured an in-district teaching
15 position within 12 months of the school closure, the district shall
16 place the teacher on an unpaid leave of absence. The teacher shall
17 remain a member of the priority hiring pool until such time as he
18 secures employment in the district.

19 d. In the event that a member of a priority hiring pool secures
20 employment in the district in a position that is comparable to the
21 position that he previously held, the district shall compensate the
22 member at the same level that was received during his employment
23 at the closed school.

24
25 24. (New section) Any tenure charge transmitted to the Office
26 of Administrative Law pursuant to N.J.S.18A:6-16 prior to the
27 effective date of P.L. , c. (C.) (pending before the Legislature
28 as this bill) shall be determined in accordance with the provisions of
29 subarticle B of Article 2 of chapter 6 of Title 18A of the New Jersey
30 Statutes, N.J.S.18A:6-10 et seq., as the same read prior to the
31 effective date of P.L. , c. (C.) (pending before the Legislature
32 as this bill).

33
34 25. (New section) The provisions of N.J.S.18A:28-5, N.J.S.
35 18A:28-6, and section 10 and sections 13 through 22 of the
36 "Teacher Effectiveness and Accountability for the Children of New
37 Jersey (TEACHNJ) Act," P.L. , c. (C.) (pending before the
38 Legislature as this bill) shall apply to a charter school that is
39 established pursuant to P.L.1995, c.426 (C.18A:36A-1 et seq.).

40
41 26. The following section is repealed:
42 Section 1 of P.L.1998, c. 42 (C.52:14B-10.1).

43
44 27. This act shall take effect immediately.

STATEMENT

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Under current law, teachers, principals, and other teaching staff members whose positions require that they hold a certificate issued by the State Board of Examiners receive tenure after completing three years of employment in a school district. This bill provides that a person who is employed in the position of teacher, principal, assistant principal, or vice-principal on or after the bill's effective date will receive tenure after the employee receives a rating of effective in each of three consecutive annual evaluations, with the first effective rating being received on or after the completion of the second year of employment. This means that, under the bill, a newly hired teacher, principal, assistant principal, or vice-principal could qualify for tenure after 4 or more years of employment in the district, depending on his evaluations. Also, in the case of a teacher, he must complete a mentorship program in the first year of employment. All other school district employees currently eligible for tenure will be able to obtain tenure after a three-year period of employment, as established by existing law.

The bill provides that a teacher, principal, assistant principal, or vice-principal who is transferred or promoted must be evaluated as effective in three consecutive annual evaluations in order to qualify for tenure in the new position. The bill provides that any teaching staff member under tenure who accepts employment in the same position in another school district will be eligible for tenure after two years of employment in the new district and, in the case of a person employed in the position of teacher, principal, assistant principal, or vice-principal, after being evaluated as effective in two consecutive annual evaluations.

The bill empowers a school principal to make certain personnel decisions relating to instructional staff employed at his school, although the bill preserves the seniority rights of teachers, principals, assistant principals, and vice-principals who have acquired tenure prior to the bill's effective date. Under current law, the board of education has the authority to appoint, transfer or remove employees upon the recommendation of the superintendent. This bill provides that, except as otherwise constrained by seniority rights that have accrued to employees who acquired tenure prior to the bill's effective date, the principal, in consultation with school improvement panels established under the bill, will have sole authority to appoint or remove an employee in the position of teacher, assistant principal, or vice-principal. Any action taken by a principal to appoint or remove an employee will not be subject to approval by either the superintendent of schools or the board of education.

In order to ensure the effectiveness of its teachers, the bill directs each school to convene a school improvement panel. The panel

1 will include the principal, an assistant or vice-principal, and a
2 teacher or other member of the instructional staff nominated by the
3 principal and approved by the instructional staff. The bill provides
4 that the panel will be directly involved in the hiring of new
5 teachers, oversee the mentoring of teachers, and conduct annual
6 evaluations of teachers. Under the bill, the panel is also charged
7 with identifying professional development opportunities for all
8 instructional staff members. The panel must conduct a mid-year
9 evaluation of any tenured teacher who is evaluated as ineffective in
10 his most recent annual evaluation. Panel members are prohibited
11 from participating in their own evaluations.

12 The bill further provides that the principal, in consultation with
13 the panel, must revoke the tenure granted to an employee in the
14 position of teacher, assistant principal, or vice-principal if the
15 employee is evaluated as ineffective in two consecutive annual
16 evaluations. Similarly, the bill provides that the superintendent, or
17 his designee, must revoke a principal's tenure if the principal is
18 evaluated as ineffective in two consecutive annual evaluations.
19 Under the bill, the revocation of the tenure status of a teacher,
20 principal, assistant principal, or vice-principal will not be subject to
21 grievance or appeal unless the grievance or appeal relates to a
22 charge that the principal, superintendent, or designee of the
23 superintendent failed to adhere substantially to the approved
24 evaluation system.

25 The bill provides that, in the event of a school closure, a teacher
26 who acquires tenure on or after the effective date of the bill and
27 whose position was eliminated due to the closure must be
28 designated by the school district as a member of a priority hiring
29 pool. A member of a priority hiring pool must be provided an
30 opportunity to interview for vacant in-district teaching positions for
31 which he is qualified before a school improvement panel may
32 consider outside applicants. A member will continue to receive his
33 salary and benefits in the 12 months following the school closure,
34 or until such time as he secures another position within the district
35 or submits his resignation. In the event that the teacher has not
36 secured an in-district teaching position within 12 months of the
37 school closure, the district will place the teacher on an unpaid leave
38 of absence but will keep him in the priority hiring pool until such
39 time as he secures employment in the district. A teacher who
40 acquired tenure prior to the bill's effective date and whose position
41 was eliminated due to a school closure, or any other type of
42 reduction in force, will retain his seniority rights pursuant to
43 N.J.S.18A:28-10 and N.J.S.18:28-12 and will be placed on a
44 preferred eligible list in the order of seniority for reemployment
45 and, whenever a vacancy occurs in a position for which he is
46 qualified, he will be reemployed.

47 Under the bill, each board of education must:

- 1 • adopt a policy to establish a mentoring program in which
2 experienced teachers are paired with first-year teachers to
3 provide confidential support and guidance in accordance
4 with the Professional Standards for Teachers;
- 5 • adopt a policy to provide its teaching staff members with
6 ongoing professional development and provide additional
7 professional development for any teaching staff member
8 who fails or is struggling to meet the performance
9 standards established by the board for his job; and
- 10 • annually submit to the Commissioner of Education, for
11 review and approval, the evaluation rubrics that will be
12 used by the district to assess the effectiveness of its
13 principals, assistant principals, vice-principals, and
14 teachers.

15 This bill streamlines the process under the current tenure hearing
16 laws by establishing timelines designed to expedite the process.
17 The bill shortens the timeframe under which the Commissioner of
18 Education must render a determination on the sufficiency of a
19 tenure charge and refer the case to the Office of Administrative Law
20 from a 25-day period to a 10-day period. The bill provides that the
21 hearing on a tenure charge before an administrative law judge will
22 be held within 30 days of the transmittal of the charge to the Office
23 of Administrative Law. The bill further provides that the final
24 determination on the charge will be made by an administrative law
25 judge rather than the Commissioner of Education and such
26 determination must be made within 30 days of the start of the
27 hearing. Under current law, a determination of any controversy or
28 dispute must be made within 60 days after the close of the hearing.
29 The bill also provides that the State Board of Examiners may only
30 review those tenure cases in which the administrative law judge's
31 findings were in support of the charges.

32 The bill repeals section 1 of P.L.1998, c.42 (C.52:14B-10.1),
33 which outlines the procedure tenure cases currently follow when
34 referred to the Office of Administrative Law.