

SENATE, No. 2925

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED JUNE 6, 2011

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex and Union)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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)

S2925 RUIZ

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:

47 **[(a)]** (1) Three consecutive calendar years, or any shorter period
48 which may be fixed by the employing board for such purpose; or

1 **[(b)]** (2) Three consecutive academic years, together with
2 employment at the beginning of the next succeeding academic year;
3 or

4 **[(c)]** (3) The equivalent of more than three academic years
5 within a period of any four consecutive academic years.

6 b. The services of all teaching staff members employed on or
7 after the effective date of P.L. , c. (C.) (pending before the
8 Legislature as this bill) in the position of assistant superintendent,
9 school nurse, including school nurse supervisors, head school
10 nurses, chief school nurses, school nurse coordinators, and any
11 other nurse performing school nursing services, school athletic
12 trainer and such other employees as are in positions which require
13 them to hold appropriate certificates issued by the board of
14 examiners, serving in any school district or under any board of
15 education, excepting employees in the position of teacher, principal,
16 assistant principal, and vice-principal, those who are not the holders
17 of proper certificates in full force and effect, and school business
18 administrators shared by two or more school districts, shall be
19 under tenure during good behavior and efficiency and they shall not
20 be dismissed or reduced in compensation except for inefficiency,
21 incapacity, or conduct unbecoming such a teaching staff member or
22 other just cause and then only in the manner prescribed by
23 subarticle B of article 2 of chapter 6 of this Title, after employment
24 in such district or by such board for:

25 (1) Three consecutive calendar years, or any shorter period
26 which may be fixed by the employing board for such purpose; or

27 (2) Three consecutive academic years, together with
28 employment at the beginning of the next succeeding academic year;
29 or

30 (3) The equivalent of more than three academic years within a
31 period of any four consecutive academic years.

32 c. The services of all teaching staff members employed on or
33 after the effective date of P.L. , c. (C.)(pending before the
34 Legislature as this bill) by a district or a board in the position of
35 teacher, principal, other than administrative principal, assistant
36 principal, and vice-principal shall be under tenure during good
37 behavior and efficiency and they shall not be dismissed or reduced
38 in compensation except for inefficiency, incapacity, or conduct
39 unbecoming such a teaching staff member or other just cause and
40 then only in the manner prescribed by subarticle B of article 2 of
41 chapter 6 of this Title, after the employee receives a rating of
42 effective in each of three consecutive annual evaluations with the
43 first effective rating being received on or after the completion of the
44 second year of employment.

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

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

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

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

14

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

16 18A:28-6. Any such teaching staff member under tenure or
17 eligible to obtain tenure under this chapter, who is transferred or
18 promoted with his consent to another position covered by this
19 chapter on or after July 1, 1962, shall not obtain tenure in the new
20 position until after:

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

24 (b) employment for two academic years in the new position
25 together with employment in the new position at the beginning of
26 the next succeeding academic year; or

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

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

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

43 For purposes of this section, “effective” means the employee
44 meets the performance standards established by the board of
45 education for his position, as documented in the annual evaluation
46 of the employee.

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

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

2 18A:28-10. Dismissals resulting from any such reduction shall
3 not be made by reason of residence, age, sex, marriage, race,
4 religion or political affiliation but , except in the case of a teaching
5 staff member employed in the position of teacher, principal,
6 assistant principal, or vice-principal who acquires tenure after the
7 effective date of P.L. , c. (C.) (pending before the Legislature
8 as this bill), shall be made on the basis of seniority according to
9 standards to be established by the commissioner with the approval
10 of the state board.

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

12

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

14 18A:28-12. If any teaching staff member, other than a teacher,
15 principal, assistant principal, or vice-principal who acquires tenure
16 after the effective date of P.L. , c. (C.) (pending before the
17 Legislature as this bill), shall be dismissed as a result of such
18 reduction, such person shall be and remain upon a preferred eligible
19 list in the order of seniority for reemployment whenever a vacancy
20 occurs in a position for which such person shall be qualified and he
21 shall be reemployed by the body causing dismissal, if and when
22 such vacancy occurs and in determining seniority, and in computing
23 length of service for reemployment, full recognition shall be given
24 to previous years of service, and the time of service by any such
25 person in or with the military or naval forces of the United States or
26 of this State, subsequent to September 1, 1940, and the time of
27 service of any member of the American Merchant Marine during
28 World War II who is declared by the United States Department of
29 Defense to be eligible for federal veterans' benefits, shall be
30 credited to him as though he had been regularly employed in such a
31 position within the district during the time of such military or naval
32 service, except that the period of that service shall not be credited
33 toward more than four years of employment or seniority credit.

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

35

36 10. (New section) a. Any teaching staff member under tenure
37 pursuant to State law who accepts employment in the same position
38 in another school district shall be under tenure in that position in the
39 new district during good behavior and efficiency and shall not be
40 dismissed or reduced in compensation except for inefficiency,
41 incapacity, or conduct unbecoming such a teaching staff member or
42 other just cause and then only in the manner prescribed by
43 subarticle B of article 2 of chapter 6 of this Title, after employment
44 in such district for:

45 (1) Two consecutive calendar years; or

46 (2) Two consecutive academic years, together with employment
47 at the beginning of the next succeeding academic year; or

1 (3) The equivalent of two academic years within a period of any
2 three consecutive academic years.

3 b. In order to receive tenure pursuant to subsection a. of this
4 section, a teacher, principal, assistant principal, or vice-principal
5 shall be evaluated as effective in two consecutive annual
6 evaluations.

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

11

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

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

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

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

29

30 12. (New section) a. If the decision of the administrative law
31 judge is in support of the tenure charges, the Commissioner of
32 Education shall notify the State Board of Examiners, in writing, of
33 the decision.

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

38

39 13. (New section) For the purposes of sections 14 through 18 of
40 P.L. , c. (C.) (pending before the Legislature as this bill),
41 “ineffective” means the employee fails to meets the performance
42 standards established by the board of education for his position, as
43 documented in the annual evaluation of the employee.

44

45 14. (New section) a. In order to ensure the effectiveness of its
46 teachers, each school shall convene a school improvement panel. A
47 panel shall include the principal, an assistant or vice-principal, and
48 a teacher or other member of the instructional staff nominated by

1 the principal and approved by the instructional staff. In the event
2 that an assistant or vice-principal is not available to serve on the
3 panel, the principal shall appoint an additional member to the panel.

4 b. The panel shall be directly involved in the hiring of new
5 teachers, oversee the mentoring of teachers, and conduct annual
6 evaluations of teachers. The panel shall also identify professional
7 development opportunities for all instructional staff members that
8 are tailored to meet the unique needs of the students and staff of the
9 school.

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

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

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

17

18 15. (New section) a. In order to ensure the effectiveness of the
19 schools in the district, the superintendent of schools or his designee
20 shall conduct an annual evaluation of each principal employed by
21 the school district.

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

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

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

31

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

40 b. Notwithstanding any provision of law to the contrary, the
41 principal, in consultation with the panel, shall revoke the tenure
42 granted to an employee in the position of teacher, assistant
43 principal, or vice-principal if the employee is evaluated as
44 ineffective in two consecutive annual evaluations.

45 c. The revocation of the tenure status of a teacher, assistant
46 principal, or vice-principal shall not be subject to grievance or
47 appeal unless the grievance or appeal relates to a charge that the
48 principal failed to adhere substantially to the approved evaluation

1 system. Any such appeal initiated by an employee shall be directed
2 to an administrative law judge within 30 days of the revocation of
3 the employee's tenure status. The appeal shall be reviewed by an
4 administrative law judge within 30 days of the receipt of the appeal.

5 d. Information related to the revocation of an employee's
6 tenure status shall be maintained by the school district and shall be
7 confidential.

8

9 17. (New section) a. Notwithstanding any provision of law to
10 the contrary, the superintendent, or a designee with expertise in
11 school district personnel, shall revoke the tenure granted to a
12 principal if the principal is evaluated as ineffective in two
13 consecutive annual evaluations.

14 b. The revocation of the tenure status of a principal shall not be
15 subject to grievance or appeal unless the grievance or appeal relates
16 to a charge that the superintendent, or his designee, failed to adhere
17 substantially to the approved evaluation system. Any such appeal
18 initiated by a principal shall be made to an administrative law judge
19 within 30 days of the revocation of the principal's tenure status. The
20 appeal shall be reviewed by an administrative law judge within 30
21 days of the receipt of the appeal.

22 c. Information related to the revocation of a principal's tenure
23 status shall be maintained by the school district and shall be
24 confidential.

25

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

37

38 19. (New section) A board of education shall adopt a policy to
39 establish a mentoring program that pairs experienced teachers with
40 first-year teachers to provide confidential support and guidance in
41 accordance with the Professional Standards for Teachers. The
42 program shall: enhance teacher knowledge of, and strategies related
43 to, the core curriculum content standards in order to facilitate
44 student achievement; identify exemplary teaching skills and
45 educational practices necessary to acquire and maintain excellence
46 in teaching; and assist first-year teachers in the performance of their
47 duties and adjustment to the challenges of teaching. To the greatest
48 extent feasible, mentoring activities shall be developed in

1 consultation with the school improvement panels established
2 pursuant to section 14 of P.L. , c. (C.) (pending before the
3 Legislature as this bill) in order to be responsive to the unique
4 needs of different teachers in different instructional settings.

5
6 20. (New section) a. A board of education shall adopt a policy
7 to provide its teaching staff members with ongoing professional
8 development that supports student achievement. To the greatest
9 extent feasible, professional development opportunities shall be
10 developed in consultation with the school improvement panels
11 established pursuant to section 14 of P.L. , c. (C.) (pending
12 before the Legislature as this bill) in order to be responsive to the
13 unique needs of different instructional staff members in different
14 instructional settings.

15 b. A board of education shall provide additional professional
16 development for any teaching staff member who fails or is
17 struggling to meet the performance standards established by the
18 board, as documented in the teaching staff member's annual
19 evaluation. The additional professional development shall be
20 designed to correct the needs identified in the evaluation.

21
22 21. (New section) A school district shall annually submit to the
23 Commissioner of Education, for review and approval, the
24 evaluation rubrics that the district will use to assess the
25 effectiveness of its teachers, principals, assistant principals, and
26 vice-principals. The board shall ensure that an approved rubric is
27 partially based on objective measures of student growth.

28
29 22. (New section) The Commissioner of Education shall review
30 and approve evaluation rubrics submitted by school districts
31 pursuant to section 21 of P.L. , c. (C.) (pending before the
32 Legislature as this bill).

33
34 23. (New section) a. In the event of a school closure, a teacher
35 who has acquired tenure on or after the effective date of P.L. ,
36 c. (C.) (pending before the Legislature as this bill) whose
37 position is eliminated due to the closure shall be designated by the
38 school district as a member of a priority hiring pool. A member of
39 a priority hiring pool shall be provided an opportunity to interview
40 for vacant in-district teaching positions for which he is qualified
41 before a school improvement panel may consider outside
42 applicants. In order to qualify as a member of the priority hiring
43 pool, the employee shall have received an effective rating on his
44 most recent annual evaluation.

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

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

7 d. In the event that a member of a priority hiring pool secures
8 employment in the district in a position that is comparable to the
9 position that he previously held, the district shall compensate the
10 member at the same level that was received during his employment
11 at the closed school.

12

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

21

22 25. (New section) The provisions of N.J.S.18A:28-5, N.J.S.
23 18A:28-6, and section 10 and sections 13 through 22 of the
24 “Teacher Effectiveness and Accountability for the Children of New
25 Jersey (TEACHNJ) Act,” P.L. , c. (C.) (pending before the
26 Legislature as this bill) shall apply to a charter school that is
27 established pursuant to P.L.1995, c.426 (C.18A:36A-1 et seq.).

28

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

31

32 27. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 Under current law, teachers, principals, and other teaching staff
38 members whose positions require that they hold a certificate issued
39 by the State Board of Examiners receive tenure after completing
40 three years of employment in a school district. This bill provides
41 that a person who is employed in the position of teacher, principal,
42 assistant principal, or vice-principal on or after the bill’s effective
43 date will receive tenure 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
46 the second year of employment. This means that, under the bill, a
47 newly hired teacher, principal, assistant principal, or vice-principal
48 could qualify for tenure after 4 or more years of employment in the

1 district, depending on his evaluations. Also, in the case of a
2 teacher, he must complete a mentorship program in the first year of
3 employment. All other school district employees currently eligible
4 for tenure will be able to obtain tenure after a three-year period of
5 employment, as established by existing law.

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

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

32 In order to ensure the effectiveness of its teachers, the bill directs
33 each school to convene a school improvement panel. The panel
34 will include the principal, an assistant or vice-principal, and a
35 teacher or other member of the instructional staff nominated by the
36 principal and approved by the instructional staff. The bill provides
37 that the panel will be directly involved in the hiring of new
38 teachers, oversee the mentoring of teachers, and conduct annual
39 evaluations of teachers. Under the bill, the panel is also charged
40 with identifying professional development opportunities for all
41 instructional staff members. The panel must conduct a mid-year
42 evaluation of any tenured teacher who is evaluated as ineffective in
43 his most recent annual evaluation. Panel members are prohibited
44 from participating in their own evaluations.

45 The bill further provides that the principal, in consultation with
46 the panel, must revoke the tenure granted to an employee in the
47 position of teacher, assistant principal, or vice-principal if the
48 employee is evaluated as ineffective in two consecutive annual

1 evaluations. Similarly, the bill provides that the superintendent, or
2 his designee, must revoke a principal's tenure if the principal is
3 evaluated as ineffective in two consecutive annual evaluations.
4 Under the bill, the revocation of the tenure status of a teacher,
5 principal, assistant principal, or vice-principal will not be subject to
6 grievance or appeal unless the grievance or appeal relates to a
7 charge that the principal, superintendent, or designee of the
8 superintendent failed to adhere substantially to the approved
9 evaluation system.

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

32 Under the bill, each board of education must:

- 33 • adopt a policy to establish a mentoring program in which
34 experienced teachers are paired with first-year teachers to
35 provide confidential support and guidance in accordance
36 with the Professional Standards for Teachers;
- 37 • adopt a policy to provide its teaching staff members with
38 ongoing professional development and provide additional
39 professional development for any teaching staff member
40 who fails or is struggling to meet the performance
41 standards established by the board for his job; and
- 42 • annually submit to the Commissioner of Education, for
43 review and approval, the evaluation rubrics that will be
44 used by the district to assess the effectiveness of its
45 principals, assistant principals, vice-principals, and
46 teachers.

47 This bill streamlines the process under the current tenure hearing
48 laws by establishing timelines designed to expedite the process.

S2925 RUIZ

15

1 The bill shortens the timeframe under which the Commissioner of
2 Education must render a determination on the sufficiency of a
3 tenure charge and refer the case to the Office of Administrative Law
4 from a 25-day period to a 10-day period. The bill provides that the
5 hearing on a tenure charge before an administrative law judge will
6 be held within 30 days of the transmittal of the charge to the Office
7 of Administrative Law. The bill further provides that the final
8 determination on the charge will be made by an administrative law
9 judge rather than the Commissioner of Education and such
10 determination must be made within 30 days of the start of the
11 hearing. Under current law, a determination of any controversy or
12 dispute must be made within 60 days after the close of the hearing.
13 The bill also provides that the State Board of Examiners may only
14 review those tenure cases in which the administrative law judge's
15 findings were in support of the charges.

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