

ASSEMBLY, No. 3629

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

**Assemblyman Holley, Assemblywoman Stanfield, Assemblyman Verrelli,
Assemblywoman Vainieri Huttie, Assemblymen Rooney, Benson and
Giblin**

SYNOPSIS

Provides automatic effective rating for certain school district employees for whom annual summative evaluation is not conducted in any school year in order to protect tenure achievement timeline.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2020)

1 AN ACT concerning tenure for certain public school employees and
2 amending N.J.S.18A:28-5, P.L.2012, c.26, and N.J.S.18A:28-6.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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

8 18A:28-5. a. The services of all teaching staff members
9 employed prior to the effective date of P.L.2012, c.26 (C.18A:6-117
10 et al.) in the positions of teacher, principal, other than
11 administrative principal, assistant principal, vice-principal, assistant
12 superintendent, and all school nurses including school nurse
13 supervisors, head school nurses, chief school nurses, school nurse
14 coordinators, and any other nurse performing school nursing
15 services, school athletic trainer and such other employees as are in
16 positions which require them to hold appropriate certificates issued
17 by the board of examiners, serving in any school district or under
18 any board of education, excepting those who are not the holders of
19 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 b. The services of all teaching staff members employed on or
35 after the effective date of P.L.2012, c.26 (C.18A:6-117 et al.) in the
36 position of teacher, principal, other than administrative principal,
37 assistant principal, vice-principal, assistant superintendent, and all
38 school nurses, including school nurse supervisors, head school
39 nurses, chief school nurses, school nurse coordinators, and any
40 other nurse performing school nursing services, school athletic
41 trainer and such other employees as are in positions which require
42 them to hold appropriate certificates issued by the board of
43 examiners, serving in any school district or under any board of
44 education, excepting those who are not the holders of proper
45 certificates in full force and effect, and school business

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 administrators shared by two or more school districts, shall be
2 under tenure during good behavior and efficiency and they shall not
3 be dismissed or reduced in compensation except for inefficiency,
4 incapacity, or conduct unbecoming such a teaching staff member or
5 other just cause and then only in the manner prescribed by
6 subarticle B of article 2 of chapter 6 of this Title, after employment
7 in such district or by such board for:

8 (1) Four consecutive calendar years; or

9 (2) Four consecutive academic years, together with employment
10 at the beginning of the next succeeding academic year; or

11 (3) The equivalent of more than four academic years within a
12 period of any five consecutive academic years.

13 In order to achieve tenure pursuant to this subsection, a teacher
14 shall also complete a district mentorship program during the initial
15 year of employment and receive a rating of effective or highly
16 effective in two annual summative evaluations within the first three
17 years of employment after the initial year of employment in which
18 the teacher completes the district mentorship program. In order to
19 achieve tenure pursuant to this subsection, a principal, assistant
20 principal, and vice-principal shall also receive a rating of effective
21 or highly effective in two annual summative evaluations within the
22 first three years of employment with the first effective rating being
23 received on or after the completion of the second year of
24 employment.

25 For purposes of this subsection, if an annual summative
26 evaluation is not conducted for a teacher, principal, assistant
27 principal, or vice-principal in any given year of employment, the
28 individual shall be deemed to receive a rating of effective on that
29 annual summative evaluation and that rating shall be used in the
30 determination of tenure achievement.

31 For purposes of this subsection, "effective" or "highly effective"
32 means the employee has received an annual summative evaluation
33 rating of "effective" or "highly effective" based on the performance
34 standards for his position established through the evaluation rubric
35 adopted by the board of education and approved by the
36 commissioner.

37 c. For purposes of this chapter, tenure in any of the
38 administrative or supervisory positions enumerated herein shall
39 accrue only by employment in that administrative or supervisory
40 position. Tenure so accrued shall not extend to any other
41 administrative or supervisory position and nothing herein shall limit
42 or restrict tenure rights which were or may be acquired pursuant to
43 N.J.S.18A:28-6 in a position in which the individual actually
44 served.

45 (cf: P.L.2012, c.26, s.9)

46

47 2. Section 11 of P.L.2012, c.26 (C.18A:28-5.1) is amended to
48 read as follows:

1 11. A tenured teaching staff member who has been rated
2 effective or highly effective on his most recent annual summative
3 evaluation, and who accepts employment in the same position in an
4 underperforming school shall be under tenure in that position in the
5 new district during good behavior and efficiency and shall not be
6 dismissed or reduced in compensation except for inefficiency,
7 incapacity, or conduct unbecoming such a teaching staff member or
8 other just cause and then only in the manner prescribed by
9 subarticle B of article 2 of chapter 6 of this Title, after the employee
10 receives a rating of effective or highly effective in at least one of
11 the annual summative evaluations within the first two years of
12 employment in the new school.

13 For purposes of this section, if an annual summative evaluation
14 is not conducted for a teaching staff member in any given year of
15 employment, the individual shall be deemed to receive a rating of
16 effective on that annual summative evaluation and that rating shall
17 be used in the determination of tenure achievement.

18 For purposes of this subsection, "effective" or "highly effective"
19 means the employee has received an annual summative evaluation
20 rating of "effective" or "highly effective" based on the performance
21 standards for his position established through the evaluation rubric
22 adopted by the board of education and approved by the
23 commissioner.

24 As used in this section, "underperforming school" means a
25 school which has been identified by the Department of Education as
26 a "focus school" or a "priority school" for any year within a two-
27 year period.

28 (cf: P.L.2012, c.26, s.11)

29

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

31 18A:28-6. a. Any such teaching staff member under tenure or
32 eligible to obtain tenure under this chapter, who is transferred or
33 promoted with his consent to another position covered by this
34 chapter on or after July 1, 1962, shall not obtain tenure in the new
35 position until after:

36 (1) the expiration of a period of employment of two consecutive
37 calendar years in the new position unless a shorter period is fixed
38 by the employing board for such purpose; or

39 (2) employment for two academic years in the new position
40 together with employment in the new position at the beginning of
41 the next succeeding academic year; or

42 (3) employment in the new position within a period of any three
43 consecutive academic years, for the equivalent of more than two
44 academic years;

45 provided that the period of employment in such new position
46 shall be included in determining the tenure and seniority rights in
47 the former position held by such teaching staff member, and in the
48 event the employment in such new position is terminated before

1 tenure is obtained therein, if he then has tenure in the district or
2 under said board of education, such teaching staff member shall be
3 returned to his former position at the salary which he would have
4 received had the transfer or promotion not occurred together with
5 any increase to which he would have been entitled during the period
6 of such transfer or promotion.

7 b. Any such teaching staff member under tenure or eligible to
8 obtain tenure under this chapter, who is transferred or promoted
9 with his consent to another position covered by this chapter on or
10 after the effective date of P.L.2012, c.26 (C.18A:6-117 et al.), shall
11 not obtain tenure in the new position until after:

12 (1) the expiration of a period of employment of two consecutive
13 calendar years in the new position; or

14 (2) employment for two academic years in the new position
15 together with employment in the new position at the beginning of
16 the next succeeding academic year; or

17 (3) employment in the new position within a period of any three
18 consecutive academic years, for the equivalent of more than two
19 academic years;

20 provided that the period of employment in such new position
21 shall be included in determining the tenure and seniority rights in
22 the former position held by such teaching staff member, and in the
23 event the employment in such new position is terminated before
24 tenure is obtained therein, if he then has tenure in the district or
25 under said board of education, such teaching staff member shall be
26 returned to his former position at the salary which he would have
27 received had the transfer or promotion not occurred together with
28 any increase to which he would have been entitled during the period
29 of such transfer or promotion.

30 In order to receive tenure pursuant to this subsection, a teacher,
31 principal, assistant principal, and vice-principal shall be evaluated
32 as effective or highly effective in two annual summative evaluations
33 within the first three years of employment in the new position.

34 For purposes of this subsection, if an annual summative
35 evaluation is not conducted for a teacher, principal, assistant
36 principal, or vice-principal in any given year of employment, the
37 individual shall be deemed to receive a rating of effective on that
38 annual summative evaluation and that rating shall be used in the
39 determination of tenure achievement.

40 For purposes of this subsection, "effective" or "highly effective"
41 means the employee has received an annual summative evaluation
42 rating of "effective" or "highly effective" based on the performance
43 standards for his position established through the evaluation rubric
44 adopted by the board of education and approved by the
45 commissioner.

46 (cf: P.L.2012, c.26, s.10)

47
48 4. This act shall take effect immediately.

STATEMENT

Under current law, in addition to the requirement for a certain number of years of employment in the certificated position, in order to achieve tenure in a school district as a teacher, principal, assistant principal, and vice-principal, the individual must receive a rating of “effective” or “highly effective” in two annual summative evaluations within the three years of employment after the probationary year of employment. Similarly, in order for a teacher, principal, assistant principal, and vice-principal to acquire tenure when the individual is transferred or promoted with his consent to another position, the individual must receive an “effective” or “highly effective” rating on two annual summative ratings within the first three years of employment in the new position. An “effective” or “highly effective” rating on the annual summative evaluation also must be received for tenure achievement when a tenured teaching staff member accepts employment in the same position in an underperforming school in a new district.

The bill will protect the timeline for tenure acquisition for individuals for whom an annual summative evaluation is not conducted in any given school year, by deeming the individuals to have received an “effective” rating. This will ensure that the timeline for tenure acquisition is not disrupted due to the district’s failure to comply with State law mandating that an annual summative evaluation be conducted for these individuals. The protection will apply to individuals who are newly hired by a district, individuals who are transferred or promoted with their consent to another position in the district, and individuals who transfer to a new district to accept employment in the same position in an underperforming school.