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AN ACT concerning school employees, revising various parts of the statutory law, and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

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

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PRIME Sponsor _____ / _____

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Same as _____ 08/09 Same as _____ 10/11

Suggested allocation:

AN ACT concerning school employees, revising various parts of the statutory law, and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

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

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

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

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

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

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

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

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

(2) inappropriate physical contact with students;

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

(4) excessive and repeated absenteeism or tardiness;

(5) continued and repeated violation of or refusal to obey State or school district rules and regulations;

(6) racial, gender, religious, and other forms of discrimination;

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.

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(7) alcohol or drug abuse which renders the employee unfit to perform his professional duties or associate with students; and

(8) health violations that make the teacher unfit to instruct or associate with students.

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

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

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

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

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

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

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

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

18A:6-16. Upon receipt of such a charge and certification, or of a charge lawfully made to the commissioner, the commissioner or the person appointed to act in the commissioner's behalf in the

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proceedings shall examine the charges and certification. The individual against whom the charges are certified shall have 15 days to submit a written response to the charges to the commissioner. Upon a showing of good cause, the commissioner may grant an extension of time. The commissioner shall render a determination on the sufficiency of charges and shall refer the case to the Office of Administrative Law, if appropriate, as set forth below within ~~[15]~~ 10 days immediately following the period provided for a written response to the charges.

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

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

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

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

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

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

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

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

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

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

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

c. The services of all teaching staff members employed on or after the effective date of P.L. , c. (C.)(pending before the Legislature as this bill) by a district or a board in the position of teacher, principal, other than administrative principal, assistant principal, and vice-principal shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of this Title, 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.

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

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

d. For purposes of this chapter, tenure in any of the administrative or supervisory positions enumerated herein shall

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accrue only by employment in that administrative or supervisory position. Tenure so accrued shall not extend to any other administrative or supervisory position and nothing herein shall limit or restrict tenure rights which were or may be acquired pursuant to N.J.S.18A:28-6 in a position in which the individual actually served.

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

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

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

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

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

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

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

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

For purposes of this section, "effective" means the employee meets the performance standards established by the board of education for his position, as documented in the annual evaluation of the employee.

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

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

18A:28-10. Dismissals resulting from any such reduction shall not be made by reason of residence, age, sex, marriage, race, religion or political affiliation but , except in the case of a teaching staff member employed in the position of teacher, principal, assistant principal, or vice-principal who acquires tenure after the effective date of P.L. , c. (C.) (pending before the Legislature

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as this bill), shall be made on the basis of seniority according to standards to be established by the commissioner with the approval of the state board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. (New section) a. Notwithstanding any provision of law to the contrary, the superintendent, or a designee with expertise in

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school district personnel, shall revoke the tenure granted to a principal if the principal is evaluated as ineffective in two consecutive annual evaluations.

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

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

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

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

20. (New section) a. A board of education shall adopt a policy to provide its teaching staff members with ongoing professional development that supports student achievement. To the greatest extent feasible, professional development opportunities shall be developed in consultation with the school improvement panels established pursuant to section 14 of P.L. , c. (C.)(pending

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before the Legislature as this bill) in order to be responsive to the unique needs of different instructional staff members in different instructional settings.

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

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

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

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

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

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

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

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

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

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

27. This act shall take effect immediately.

STATEMENT

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

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

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

The bill provides that, in the event of a school closure, a teacher who acquires tenure on or after the effective date of the bill and whose position was eliminated due to the closure must be designated by the school district as a member of a priority hiring pool. A member of a priority hiring pool must be provided an

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

Under the bill, each board of education must:

- * adopt a policy to establish a mentoring program in which experienced teachers are paired with first year teachers to provide confidential support and guidance in accordance with the Professional Standards for Teachers;

- * adopt a policy to provide its teaching staff members with ongoing professional development and provide additional professional development for any teaching staff member who fails or is struggling to meet the performance standards established by the board for his job; and

- * annually submit to the Commissioner of Education, for review and approval, the evaluation rubrics that will be used by the district to assess the effectiveness of its principals, assistant principals, vice-principals, and teachers.

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

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

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

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AN ACT concerning school employees, revising various parts of the statutory law, and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

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

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PRIME Sponsor _____ / _____

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Same as _____ 08/09 Same as _____ 10/11

Suggested allocation:

AN ACT concerning school employees, revising various parts of the statutory law, and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

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

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

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

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

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

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

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

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

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

(2) inappropriate physical contact with students;

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

(4) excessive and repeated absenteeism or tardiness;

(5) continued and repeated violation of or refusal to obey State or school district rules and regulations;

(6) racial, gender, religious, and other forms of discrimination;

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.

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(7) alcohol or drug abuse which renders the employee unfit to perform his professional duties or associate with students; and

(8) health violations that make the teacher unfit to instruct or associate with students.

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

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

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

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

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

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

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

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

18A:6-16. Upon receipt of such a charge and certification, or of a charge lawfully made to the commissioner, the commissioner or the person appointed to act in the commissioner's behalf in the

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proceedings shall examine the charges and certification. The individual against whom the charges are certified shall have 15 days to submit a written response to the charges to the commissioner. Upon a showing of good cause, the commissioner may grant an extension of time. The commissioner shall render a determination on the sufficiency of charges and shall refer the case to the Office of Administrative Law, if appropriate, as set forth below within ~~[15]~~ 10 days immediately following the period provided for a written response to the charges.

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

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

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

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

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

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

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

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

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

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

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

c. The services of all teaching staff members employed on or after the effective date of P.L. , c. (C.)(pending before the Legislature as this bill) by a district or a board in the position of teacher, principal, other than administrative principal, assistant principal, and vice-principal shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of this Title, 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.

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

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

d. For purposes of this chapter, tenure in any of the administrative or supervisory positions enumerated herein shall

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accrue only by employment in that administrative or supervisory position. Tenure so accrued shall not extend to any other administrative or supervisory position and nothing herein shall limit or restrict tenure rights which were or may be acquired pursuant to N.J.S.18A:28-6 in a position in which the individual actually served.

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

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

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

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

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

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

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

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

For purposes of this section, "effective" means the employee meets the performance standards established by the board of education for his position, as documented in the annual evaluation of the employee.

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

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

18A:28-10. Dismissals resulting from any such reduction shall not be made by reason of residence, age, sex, marriage, race, religion or political affiliation but , except in the case of a teaching staff member employed in the position of teacher, principal, assistant principal, or vice-principal who acquires tenure after the effective date of P.L. , c. (C.) (pending before the Legislature

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as this bill), shall be made on the basis of seniority according to standards to be established by the commissioner with the approval of the state board.

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

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

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

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

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

(1) Two consecutive calendar years; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. (New section) a. Notwithstanding any provision of law to the contrary, the superintendent, or a designee with expertise in

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school district personnel, shall revoke the tenure granted to a principal if the principal is evaluated as ineffective in two consecutive annual evaluations.

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

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

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

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

20. (New section) a. A board of education shall adopt a policy to provide its teaching staff members with ongoing professional development that supports student achievement. To the greatest extent feasible, professional development opportunities shall be developed in consultation with the school improvement panels established pursuant to section 14 of P.L. , c. (C.)(pending

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before the Legislature as this bill) in order to be responsive to the unique needs of different instructional staff members in different instructional settings.

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

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

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

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

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

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

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

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

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

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

27. This act shall take effect immediately.

STATEMENT

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

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

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

The bill provides that, in the event of a school closure, a teacher who acquires tenure on or after the effective date of the bill and whose position was eliminated due to the closure must be designated by the school district as a member of a priority hiring pool. A member of a priority hiring pool must be provided an

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

Under the bill, each board of education must:

- * adopt a policy to establish a mentoring program in which experienced teachers are paired with first year teachers to provide confidential support and guidance in accordance with the Professional Standards for Teachers;

- * adopt a policy to provide its teaching staff members with ongoing professional development and provide additional professional development for any teaching staff member who fails or is struggling to meet the performance standards established by the board for his job; and

- * annually submit to the Commissioner of Education, for review and approval, the evaluation rubrics that will be used by the district to assess the effectiveness of its principals, assistant principals, vice-principals, and teachers.

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

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

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

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