

3144C STREAMLINED TENURE/CERTIFICATION OF TENURE CHARGES – CHARTER SCHOOL

In accordance with the provisions of N.J.A.C. 6A:11-6.2, all teaching staff members, janitors, and secretaries shall acquire streamline tenure in a charter school after five consecutive full academic years of effective employment as determined by the Department-approved educator evaluation system established by each charter school and in accordance with the charter school's uniform policies and procedures. All teaching staff members, janitors, and secretaries who have acquired streamline tenure prior to June 30, 2013, shall retain streamline tenure status and shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming. The Commissioner may void acquired streamline tenure status for all applicable charter school employees if stipulated in the terms of probation pursuant to N.J.A.C. 6A:11-2.4.

The Board of Trustees will grant tenure upon the recommendation of the Head of School. Tenure will only be granted to those staff members that have demonstrated the highest level of effectiveness, professional conduct, and commitment to students. Therefore, the Head of School, upon making a recommendation a staff member receive tenure under N.J.A.C. 6A:11-6.2, will ensure the staff member has a demonstrated a proven record of effective and/or highly effective performance in their position.

In accordance with the provisions of N.J.A.C. 6A:11-6.3, the Board of Trustees adopts this Policy to establish a uniform process, including procedures and timelines, for hearing streamline tenure disputes.

The Head of School will notify each staff member eligible to receive tenure, at least sixty calendar days before tenure would be acquired, of the recommendation that will be made to the Board of Trustees.

The following procedures and timelines shall be followed for hearing streamline tenure disputes:

1. The Head of School shall provide written notice to the employee of the charges. The written notice of the charges shall include a statement of evidence under oath to support such charges and shall be hand-delivered with a signed acknowledgment of receipt by the employee or by certified mail with a return receipt. The charges may be inefficiency, incapacity, unbecoming conduct, or other just cause.



2. The tenured employee shall have an opportunity to submit a written statement of position and a written statement of evidence under oath with respect to the charges. The tenured employee may also request a hearing with the Board of Trustees to dispute the charges. If the charges are disputed by the employee, the party issuing the tenure charges shall have the burden of substantiating the charges by a preponderance of competent and credible evidence.
3. The employee's written statement of position, a written statement of evidence under oath with respect to the charges, and the request for a hearing with the Board shall be submitted to the Head of School no later than fifteen days after receipt of the written notice of the charges.
4. If a hearing is requested, the tenured employee shall be provided with:
 - a. An opportunity to be represented by legal counsel;
 - b. A list of the charter school administration's witnesses, no later than five days before the hearing; and
 - c. An opportunity to confront and cross-examine witnesses of the administration and to produce his or her own witnesses or affidavits.
5. If a hearing requested by the employee it shall be completed no later than thirty calendar days after the Board of Trustees' receipt of the tenured employee's response to the charges, barring any unforeseen circumstances warranting an extension of such time.
6. The Board of Trustees shall review the charges and the evidence to support the charges; the employee's written statement of position and written statement of evidence with respect to the charges, and the information obtained at the hearing, if a hearing was held. The Board of Trustees shall make a determination as to whether the charges have been substantiated by a preponderance of competent and credible evidence in the record and whether the tenured employee shall be dismissed or reduced in compensation.
7. A written decision reflecting the Board of Trustees' determination whether to dismiss or reduce in compensation the tenured employee must be issued within ten days of the determination. The Board of Trustees' written decision shall include, at a minimum:



- a. A summary of evidence considered;
 - b. Factual findings relative to each charge; and
 - c. A determination whether each charge was substantiated.
8. Upon receipt of the Board of Trustees' written decision finding that a charge has been substantiated, the employee shall have fifteen days to submit to the Commissioner of Education a written appeal of the Board of Trustees' decision. The employee shall serve the Board of Trustees with all briefs or papers filed with the Commissioner of Education in connection with the appeal. The Commissioner of Education may extend the time period for filing an appeal upon finding good cause if the request for an extension is received within the fifteen day period provided for filing an appeal.
 9. Upon filing an appeal, the Board of Trustees may submit a response to the Commissioner of Education within ten days of receiving all briefs or papers served by the employee and shall serve the employee with a copy of the response.
 10. The Commissioner of Education shall render a determination on the appeal within forty-five days of receipt of the Board of Trustees' response. If no response is filed, the determination shall be issued within forty-five days of the date the Board or Trustees' response is due.
 11. The Commissioner of Education decision shall constitute a final agency decision appealable to the New Jersey Superior Court Appellate Division.

N.J.A.C. 6A:11-6.2; 6A:11-6.3; 6A:11-6.4

Adopted: 13 April 2015

