

Policy

CERTIFICATION OF TENURE CHARGES

The Mount Laurel Township School District Board of Education will challenge the continued employment of any tenured teaching staff member who demonstrates inefficiency in the performance of his or her duties; is incapable of performing those duties; violates by unbecoming conduct the public trust placed with employees of this district; or by other means demonstrates unfitness for district employment.

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 the employee with:

- A. A copy of the charge;
- B. A copy of the statement of the evidence; and
- C. An opportunity to submit a written statement of position and a written statement of evidence under oath with respect to the charge.

The board shall consider the charge, statement of position and statements of evidence presented to it. Following the board's consideration, 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/her 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 together with a certificate of the board's determination. The commissioner shall conduct a hearing according to law (N.J.S.A.18A:6-16). The consideration and actions of the board as to any charge shall not take place at a public meeting.

Filing Tenure Charges

In all instances of the filing and certification of tenure charges, except charges filed against a teacher, principal, assistant principal, or vice principal for reasons of inefficiency, the following procedures and timelines shall be observed:

- A. Charges shall be stated with specificity as to the action or behavior underlying the charges. The charges shall be filed in writing with the board secretary, accompanied by a supporting statement of evidence. The statement of the action and the behavior and the statement of evidence shall be executed under oath by the person(s) instituting such charges;
- B. Along with the required sworn statement of evidence, charges shall be transmitted to the affected tenured employee and the employee's representative, if known, within three (3) working days of the date they were filed with the board secretary. Proof of mailing or hand delivery shall constitute proof of transmittal;
- C. The affected tenured employee shall have an opportunity a written statement of position and a written statement of evidence to submit to the board of education. The statement of position and the statement of evidence shall be executed under oath within 15 days of receipt of the tenure charges;

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- D. The board of education shall determine by a majority vote of its full membership within 45 days whether there is probable cause to credit the evidence in support of the charges and whether such charges, if credited, are sufficient to warrant a dismissal or reduction of salary. The determination shall be made upon receipt of the tenured employee's written statements of position and evidence under oath, or upon expiration of the allotted 15-day time period;
- E. The board of education shall provide, within three (3) working days, written notification of the determination to the employee against whom the charge has been made, The notification shall be in person or by certified mail to the last known address of the employee and the employee's representative, if known;
- F. If the board finds probable cause exists and the charges, if credited, are sufficient to warrant a dismissal or reduction of salary, then the board shall file, within 15 days, written charges with the Commissioner. The charges shall be stated with specificity as to the action or behavior underlying the charges and shall be accompanied by the required certificate of determination. The charges shall include the name of the attorney who it is anticipated for administrative purposes will be representing the board and proof of service upon the employee and the employee's representative, if known. Such service shall be at the same time and in the same manner as the filing of charges with the Commissioner;
- G. All deliberations and actions of the board of education with respect to such charges shall take place at a closed meeting according to law (N.J.S.A. 18A:6-11).

Inefficiency

Whenever an employee is rated ineffective or partially effective in an annual summative evaluation and the following year is rated ineffective in the annual summative evaluation, the chief school administrator shall promptly file a charge of inefficiency with the board secretary.

If the employee is rated partially effective in two consecutive annual summative evaluations or is rated ineffective in an annual summative evaluation and the following year is rated partially effective in the annual summative evaluation, the superintendent shall promptly file a charge of inefficiency with the board secretary. The superintendent may, however, defer the filing of tenure charges upon a written finding of exceptional circumstances. The charge may be deferred until after the next annual summative evaluation. If the employee is not rated effective or highly effective on this annual summative evaluation, the superintendent shall promptly file a charge of inefficiency.

If the tenure charges of inefficiency pursuant to N.J.S.A 18A:6-17.3 the following procedures and timelines shall be observed:

- A. When the conditions as stated above have been satisfied, the superintendent shall promptly file a charge of inefficiency with the board secretary;
- B. The charges of inefficiency shall be transmitted to the affected tenured employee and the employee's representative, if known, within three (3) working days of the date they were filed with the secretary of the district board of education or the State district superintendent. Proof of mailing or hand delivery shall constitute proof of transmittal;
- C. The affected tenured employee shall have an opportunity within 10 days of receipt to submit to the board of education or the State district superintendent a written statement of position under oath demonstrating how the school district failed to comply with the evaluation procedures;

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- D. Within 30 days of the filing, the board of education shall forward a written charge to the Commissioner unless the board of education determines the evaluation process has not been followed. Such determination shall be made by a majority vote of the board's full membership;
- E. Upon receipt of the charge, the Commissioner or his or her designee shall examine the charge. The charge shall again be served upon the employee at the same time it is forwarded to the Commissioner and proof of service shall be included with the filed charges. The individual against whom the charge is filed shall have 10 days to submit to the Commissioner a written response to the charge;
- F. Within five days of the individual's deadline to submit a written response to the charge, the Commissioner shall appoint an arbitrator to hear the case and refer the case to the arbitrator, unless he or she determines the evaluation process has not been followed.;
- G. According to law (N.J.S.A. 18A:6-11), all deliberations and actions of the board of education with respect to such charges shall take place at a closed meeting.

Adopted: May 27, 1997
 Revised: May 24, 2005
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Key Words

Charges, Tenure, Certification, Evidence, Grievance

Legal References: N.J.S.A. 18A:6-10 et seq., Dismissal and reduction in compensation
N.J.S.A. 18A:25-6 Suspension, assistant superintendent,
 principals and teachers
N.J.A.C. 6A:3-5.1 Filing written charges and certificate of determination

Possible

Cross References: *2131 Chief school administrator
 4000 Concepts and roles in personnel
 *4115 Supervision
 *4116 Evaluation
 *4111.1/4211.1 Nondiscrimination/affirmative action
 *4112.6/4212.6 Personnel records
 *4151/4251 Attendance patterns

*Indicates policy is included in the Critical Policy Reference Manual.