

3144 CERTIFICATION OF TENURE CHARGES

The Board of Education will challenge the continued employment of any tenured teaching staff member who demonstrates inefficiency in the performance of his/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. When charges are filed against a tenured teaching staff member by any person, the Board shall determine the gravity of the charges and the probity of supporting evidence in accordance with law and these guidelines:

1. Charges may be instituted against a tenured teaching staff member of the district by any person by filing with the Board Secretary a written statement, signed by the charging person, that sets forth the specific charges and the statutory ground on which each is based. The statement of charges must be accompanied by a written statement of evidence made under oath in support of the charges. The Board Secretary shall promptly notify the Superintendent and the Board President that such charges have been filed.

2. Where the charges allege incapacity, unbecoming conduct, or good cause other than inefficiency, a copy of the charges and a copy of the statement of evidence shall, within seventy-two hours of the time charges have been filed with the Board Secretary, be served on the charged employee together with a letter offering the employee the opportunity of submitting to the Board Secretary a written statement of position and a written statement of evidence under oath, provided that such statements are filed with the Board Secretary no later than fifteen days after the date on which the charges were served on the employee.

3. Where the charge alleges inefficiency, the following actions will be taken:

a. A copy of the charges and a copy of the statement of evidence shall, within seventy-two hours of the time charges have been filed with the Board Secretary, be served on the charged employee together with a letter informing the employee that, unless the specified inefficiencies are corrected within a specified improvement period of ninety or more days, the Board shall certify those charges of inefficiency to the Commissioner of Education.

b. At the same time, the employee's professional improvement plan will be revised to address the specific charges of inefficiency and to assist the employee toward improvement within the specified period.

c. The employee's performance will be observed and evaluated over the improvement period, excluding summer vacation.

d. At the conclusion of the specified improvement period, the Superintendent shall report to the Board an assessment of the employee's progress.

e. Thereafter, the Board will determine in private session whether the employee has corrected all the inefficiencies originally charged. If all the charged inefficiencies have been corrected, the Board shall

advise the employee within thirty days of the end of the improvement period that the charges are withdrawn. If the Board finds that any or all charged inefficiencies have not been corrected, the Board Secretary shall serve the employee, within thirty days of the end of the improvement period, a copy of the charges and a copy of the statement of evidence together with a letter offering the employee the opportunity of submitting to the Board Secretary a written statement of position and a written statement of evidence under oath, provided that such statements are filed with the Board Secretary no later than fifteen days after the date on which the charges were served on the employee.

4. Within forty-five days of the time the employee files written statements of position and evidence or the expiration of the fifteen day period within which the employee may submit such statements, whichever first occurs, the Board shall meet in private session to determine, by a majority of the full Board, (a) whether the charges, if true, are sufficiently serious to warrant the imposition of sanctions by the Commissioner and (b) whether there is probable cause to credit the evidence in support of the charges.

5. If the Board determines to certify charges against the employee, the Board Secretary will file the charges and a certificate of determination with the Commissioner of Education and serve notice of such certification on the employee in accordance with rules of the State Board of Education.

6. If no action is taken with regard to the charges within the requisite periods of time set forth in this policy, the charges will be considered dismissed and no further action may be taken on them. The charged employee will be promptly notified whenever charges are dismissed by Board action or inaction.

N.J.S.A. 18A:6-8.3; 18A:6-10 et seq.;
18A:25-6; 18A:25-7
N.J.A.C. 6:11-3.4; 6:11-3.5; 6:24-5.1 et seq.

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