

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, and 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 substance of the 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 (72) 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 (15) 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 (72) 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 ninety (90) 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 ninety (90) days.
  - c. The employee's performance will be observed and evaluated over the next ninety (90) days, excluding summer vacation.
  - d. At the conclusion of the ninety (90) days, the Superintendent shall report to the Board an assessment of the employee's progress.
  - e. Thereafter, the Board will meet in executive session to determine 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 (30) days of the executive session 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 (30) days of the Board of Education meeting, 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 (15) days after the date on which the charges were served on the employee.
4. The employee must file a written statement of position and evidence within forty-five (45) days from the date in which the charges were received by the employee or the expiration of fifteen (15) days, whichever occurs first. The Board of Education shall meet in executive 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

Certification of Teaching Staff Member 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. 18:A6-8.3; 18A:6-10 et seq.; 18A:25-6; 18A:25-7

N.J.A.C. 6A:3-5.1 et seq.; 6A:9-17.4; 6A: 9-17.5

Adopted:

Formerly policy 420.0 - Dismissal of a Tenure Teacher for Inefficiency which was:

Adopted: 14 December 1976