

**CERTIFICATION OF TENURE CHARGES – INEFFICIENCY**

The superintendent shall promptly file a charge of inefficiency with the board secretary whenever a teacher, principal and assistant principal is rated ineffective or partially effective in an annual summative evaluation and the following year is rated ineffective in the annual summative evaluation (N.J.S.A. 18A:6-17.3). A charge of inefficiency shall be filed notwithstanding the provisions of N.J.S.A. 18A:6-11 for filing tenure charges against a tenured employee during good behavior and efficiency or any other section of law to the contrary.

The superintendent shall promptly file a charge of inefficiency with the board secretary if the teacher, principal and assistant principal 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 may, however, defer the filing of tenure charges until after the next annual summative evaluation upon a written finding of exceptional circumstances. If the employee is not rated effective or highly effective on this next annual summative evaluation, the superintendent shall promptly file a charge of inefficiency.

Within thirty days of the filing, the board of education shall forward a written charge to the commissioner of education, unless the board of education determines the evaluation process has not been followed.

The commissioner of education shall examine the charge, upon receipt of a charge meeting the criteria of law (N.J.S.A. 18A:6-17.3.a) as described above for ratings of ineffective or partially ineffective on annual summative evaluations. The individual against whom the charges are filed shall have ten days to submit a written response to the charges to the commissioner of education. The commissioner of education shall, within five days immediately following the period provided for a written response to the charges, refer the case to an arbitrator and appoint an arbitrator to hear the case, unless the commissioner determines the evaluation process has not been followed.

An individual against whom tenure charges are certified for other reasons (N.J.S.A. 18A:6-16) or any other section of law to the contrary to N.J.S.A. 18A:6-17.3(a) as described above for ratings of ineffective or partially ineffective on annual summative evaluations, shall have 15 days to submit a written response to the charges to the commissioner.

The only evaluations which may be used for determining a rating of highly effective, effective, partially effective or ineffective, shall be evaluations conducted by the board-adopted and commissioner-approved evaluation rubric.

CERTIFICATION OF TENURE CHARGES – INEFFICIENCY (continued)

First Reading: November 3, 2016  
 Second Reading: November 21, 2016  
 Adopted: November 21, 2016

Key Words

Tenure, Tenure Charges, Inefficiency, Effective, Partially Effective, Highly Effective, Ineffective

<b><u>Legal References:</u></b>	<u>N.J.S.A. 18A:4-15</u>	General rule-making power
	<u>N.J.S.A. 18A:4-16</u>	Incidental powers conferred
	<u>N.J.S.A. 18A:6-10 et seq.</u>	Dismissal and reduction in compensation of persons under tenure in public school system
	<u>N.J.S.A. 18A:6-11</u>	Written charges, statement of evidence, filing, statement of position
	<u>N.J.S.A. 18A:6-16</u>	Proceedings before the commissioner
	<u>N.J.S.A. 18A:6-17 et seq.</u>	Board of education a party; conduct if hearing
	<u>N.J.S.A. 18A:6-117 et seq.</u>	Teacher Effectiveness and Accountability for the Children
	<u>See particularly:</u>	of New Jersey (TEACHNJ) ACT
	<u>N.J.S.A. 18A:6-119</u>	Definitions relative to the TEACHNJ Act
	<u>N.J.S.A. 18A:6-120</u>	School improvement panel
	<u>N.J.S.A. 18A:6-121</u>	Evaluation of principal, assistant principal, vice-principal
	<u>N.J.S.A. 18A:6-122</u>	Annual submission of evaluation rubrics
	<u>N.J.S.A. 18A:6-123</u>	Review, approval of evaluation rubrics
	<u>N.J.S.A. 18A:27-3.1; through -3.3</u>	Non-tenured teaching staff; observation and evaluation conference; purpose
	<u>N.J.S.A. 18A:27-10 et seq.</u>	Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
	<u>N.J.S.A. 18A:28-5</u>	Tenure of teaching staff members
	<u>N.J.A.C. 6A:9-15.1 et seq.</u>	Required Professional Development for Teachers
	<u>N.J.A.C. 6A:10-1.1 et seq.</u>	Educator effectiveness

**Possible**  
**Cross References:**

*2130	Administrator evaluation
*2131	Superintendent of schools
4110	Tenure
4110.2	Suspension upon certification of tenure charges
*4112.6/4212.6	Personnel records

CERTIFICATION OF TENURE CHARGES – INEFFICIENCY (continued)

*4115	Supervision
*4116	Evaluation of teaching staff members
*4117.41	Nonrenewal
*4131/4131.1	Staff development; inservice education /visitations /conferences
*4215	Supervision
*4216	Evaluation of support staff members

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