

TENURE UPON TRANSFER OR PROMOTION,
OR TRANSFER TO AN UNDERPERFORMING SCHOOL

A teaching staff member under tenure or eligible to obtain tenure who is transferred or promoted with his/her consent to another position shall not obtain tenure in the new position until after:

- A. The expiration of a period of employment of two consecutive calendar years in the new position (applying to employees transferred or promoted before August 6, 2012 only: unless a shorter period is fixed by the employing board for such purpose); or
- B. Employment for two academic years in the new position together with employment in the new position at the beginning of the next succeeding academic year; or
- C. Employment in the new position within a period of any three consecutive academic years, for the equivalent of more than two academic years.

The period of employment in the new position shall be included in determining the tenure and seniority rights in the former position held by teaching staff member. In the event the employment in the new position is terminated before tenure is obtained, the teaching staff member shall be returned to his/her former position (when having seniority over the replacement) at the salary which he/she would have received had the transfer or promotion not occurred together with any increase to which he/she would have been entitled during the period of such transfer or promotion.

In order to receive tenure on or after August 6, 2012 a teacher, principal, and assistant principal shall be evaluated as effective or highly effective in two annual summative evaluations within the first three years of employment in the new position. "Effective" or "highly effective" means the employee has received an annual summative evaluation rating of "effective" or "highly effective" based on the performance standards for his/her position established through the evaluation rubric adopted by the board and approved by the commissioner of education.

Tenure upon Transfer to an Underperforming School

The board may grant tenure to a teaching staff member coming from another New Jersey public school district to the same position in an underperforming school in this school district in accordance with the provisions of law (N.J.S.A. 18A:28-5.1). As "underperforming school" means a school in this school district which has been identified by the New Jersey Department of Education as a "focus school" or a "priority school" for any year within a two-year period.

TENURE UPON TRANSFER, PROMOTION OR TRANSFER TO AN UNDERPERFORMING SCHOOL (continued)

In accordance with the provisions of law (N.J.S.A. 18A:28-5.1), a tenured teaching staff member who has been rated effective or highly effective on his/her most recent annual summative evaluation in a New Jersey public school district, and who accepts employment in the same position in an underperforming school in another New Jersey public school district, shall be under tenure in that position in the new school district during good behavior and efficiency and shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause, after the employee receives a rating of effective or highly effective in at least one of the annual summative evaluations within the first two years of employment in the underperforming school in the new school district.

"Effective" or "highly effective" means the employee has received an annual summative evaluation rating of "effective" or "highly effective" based on the performance standards for his/her position established through the evaluation rubric adopted by the board and approved by the commissioner of education.

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

Key Words

Tenure Charges, Suspension

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:4-15	General rule-making power
	<u>N.J.S.A.</u> 18A:4-16	Incidental powers conferred
	<u>N.J.S.A.</u> 18A:6-10 <u>et seq.</u>	Dismissal and reduction in compensation of persons under tenure in public school system
	<u>N.J.S.A.</u> 18A:6-11	Written charges, statement of evidence, filing, statement of position
	<u>N.J.S.A.</u> 18A:6-14	Suspension upon certification of charge; compensation; reinstatement
	<u>N.J.S.A.</u> 18A:6-16	Proceedings before the commissioner
	<u>N.J.S.A.</u> 18A:6-17 <u>et seq.</u>	Board of education a party; conduct if hearing
	<u>N.J.S.A.</u> 18A:6-117 <u>et seq.</u>	Teacher Effectiveness and Accountability for the Children

Possible

<u>Cross References:</u>	*2130	Administrator evaluation
	*2131	Superintendent of schools
	4110	Tenure
	4110.1	Certification of tenure charges – inefficiency

TENURE UPON TRANSFER, PROMOTION OR TRANSFER TO AN
UNDERPERFORMING SCHOOL (continued)

- *4112.6/4212.6 Personnel records
- *4115 Supervision
- *4116 Evaluation of teaching staff members
- *4215 Supervision
- *4216 Evaluation of support staff members

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