

STREAMLINE TENURE ACQUISITION AND DISMISSAL

All teaching staff members, secretaries and janitors of Academy Charter High School shall acquire streamline tenure after five (5) consecutive years of effective employment as determined by the Department of Education approved educator evaluation system established and in use by the charter school. All eligible employees who have acquired streamline tenure prior to June 30, 2013, shall retain streamline tenure status and shall not be dismissed or reduced in compensation except for infidelity to the mission and beliefs of the charter school, inefficiency, incapacity or conduct unbecoming (N.J.A.C. 6A:11-6.2 a, b)

The above mentioned employees who have not attained streamline tenure prior to June 30, 2013 shall be considered for tenure after five consecutive years of effective employment as determined by the Department of Education approved educator evaluation system in use by the school. As an eligible employee at Academy Charter High School, current years of service will count towards accruing tenure at the charter school. This applies to those teachers employed by Academy Charter High School but yet to earn tenure by June 30, 2013.

The school shall specifically afford these employees the security and protection in accordance with the state laws and regulations (N.J.S.A. 18A: 36A-14e)

"Streamline tenure" means the tenure process for all charter school teaching staff members, janitors and secretaries who are either newly employed in a charter schools or who are employed in a charter school while on leave from district boards of education.

Tenure Disputes

Once streamline tenure is acquired, an employee of the school may only be dismissed or receive reduced compensation for infidelity to the mission and beliefs of the charter school, inefficiency, incapacity, unbecoming conduct or other just cause.

The school shall assume the burden of substantiating the charges by a preponderance of competent and credible evidence. If the charge is for inefficiency, incapacity, or infidelity to the mission and beliefs of the charter, as conducted by the Department of Education approved educator evaluator system in use by the school, may be used to substantiate the charges.

"Streamline tenure removal" means the process by which an employee who has obtained streamline tenure can be dismissed or reduced in compensation.

A. The school shall file written charges, executed under oath, accompanied by a record of the case's proceedings, with the board of trustees. The board shall review and consider the record prior to issuing a decision.

B. The board of trustees shall transmit the charge(s) to the affected streamline tenure employee within five (5) work days of the date that they were filed with the board of trustees. Proof of mailing or hand delivery shall constitute proof of transmittal receipt. This notification shall include:

1. The right of the affected tenured employee to have the opportunity to respond to the charge(s) in a written statement via the board secretary, within fifteen (15) work days of receipt of the streamline tenure charge(s).
2. Information that if the affected tenured employee wishes to dispute the streamline tenure charge(s) and make a request for a board hearing they must make such a request to the board of trustees, via the board secretary, in writing within fifteen (15) days of receipt of the streamline tenure charge(s).

STREAMLINE TENURE ACQUISITION AND DISMISSAL (continued)Board Hearing

Once streamline tenure is acquired, an employee of the school may only be dismissed or receive reduced compensation for infidelity to the mission and beliefs of the charter school, inefficiency, incapacity, unbecoming conduct or other just cause.

The school shall assume the burden of substantiating the charges by a preponderance of competent and credible evidence. If the charge is for inefficiency, incapacity, or infidelity to the mission and beliefs of the charter, as conducted by the Department of Education approved educator evaluator system in use by the school, may be used to substantiate the charges.

"Streamline tenure removal" means the process by which an employee who has obtained streamliner tenure can be dismissed or reduced in compensation.

A. The school shall file written charges, executed under oath, accompanied by a record of the case's proceedings, with the board of trustees. The board shall review and consider the record prior to issuing a decision.

B. The board of trustees shall transmit the charge(s) to the affected streamline tenure employee within five (5) work days of the date that they were filed with the board of trustees. Proof of mailing or hand delivery shall constitute proof of transmittal receipt. This notification shall include:

1. The right of the affected tenured employee to have the opportunity to respond to the charge(s) in a written statement via the board secretary, within fifteen (15) work days of receipt of the streamline tenure charge(s).

2. Information that if the affected tenured employee wishes to dispute the streamline tenure charge(s) and make a request for a board hearing they must make such a request to the board of trustees, via the board secretary, in writing within fifteen (15) days of receipt of the streamline tenure charge(s).

Appeals

The employee shall have fifteen (15) days after receipt of the written decision of the board to submit a written appeal to the Commissioner. The employee shall serve the board of trustees with all briefs or papers filed with the Commissioner in connection with the appeal. The Commissioner may extend the time period for filing an appeal upon finding good cause if the request for an extension is received within the fifteen (15) day period provided for filing an appeal.

Upon filing an appeal, the board of trustees may submit a response within ten (10) days of receiving all briefs or papers served by the aggrieved party and shall serve the aggrieved party with a response.

The Commissioner shall render a determination on the appeal with forty-five (45) days of receipt of the board of trustees' response. If no response is filed, the determination shall be issued within forty-five (45) days of the date the board of trustees' response is due.

The Commissioner's decision shall constitute a final agency decision appealable to the New Jersey Superior Court Appellate Division..

Adopted:

Key Words

Tenure, Streamline Tenure, Efficiency, Arbitration, Appeal

Legal References: N.J.S.A. 2A:24-7 Application for confirmation, vacation or modification of
Through -10 award
N.J.S.A. 18A:12-21 et seq. School Ethics Act
N.J.S.A. 18A:17-2 Tenure of secretaries, assistant secretaries, school

STREAMLINE TENURE ACQUISITION AND DISMISSAL (continued)

	business administrators, business managers and secretarial and clerical employees
<u>N.J.S.A.</u> 18A:17-3	Tenure of janitorial employees
<u>N.J.S.A.</u> 18A:28-5	Requirements of tenure
<u>N.J.S.A.</u> 18A:36A-1 <u>et seq.</u>	Charter School Program Act
<u>See Particularly:</u>	
<u>N.J.S.A.</u> 18A:36A-14	Authority of the board of trustees; employees
<u>N.J.A.C.</u> 6A:11-6.1 <u>et seq.</u>	Tenure acquisition

Possible

<u>Cross References:</u>	
*2224	Nondiscrimination/affirmative action
*3320	Purchasing procedures
*4111/4211	Recruitment, selection and hiring
*4111.1/4211.1	Nondiscrimination/affirmative action
*4112.8/4212.8	Nepotism
*4115	Supervision
*4116	Evaluation
*4131/4131.1	Staff development
*4215	Supervision
*4216	Evaluation
*4231/4231.1	Staff development

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