



UHCS Policy File Code: 4110/4210
Monitored: _____
Mandated: X
Other Reasons: _____

STREAMLINE TENURE ACQUISITION AND DISMISSAL

An employee of University Heights Charter School shall acquire streamline tenure after five 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 teaching staff members, janitors, and secretaries 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 inefficiency, incapacity, or conduct unbecoming (N.J.A.C. 6A:11-6.2 a, b).

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

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

Criteria for Granting Tenure

Current 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 (“UHCS Evaluation Policy”).

The granting of tenure is intended for those staff who have demonstrated the highest level of effectiveness, professional conduct, and commitment to the school’s mission. Specifically, in addition to the general requirements for renewal, eligible teachers in their fifth year of service, who have accumulated four consecutive years of effective teaching, must meet the following criteria to receive renewal and, thus, tenure:

- Strong commitment to the school’s mission.
- Strong contributions to a positive school culture.
- Willingness to assume additional responsibilities and provide leadership as needed.
- Consistent focus on student outcomes and well-being.
- Clear quantitative evidence of effectiveness in terms of student growth and overall performance.
- Ability to relate warmly and professionally to the families we serve.
- Dedication to self improvement.

Streamline Tenure Disputes

All teaching staff members, janitors, and secretaries 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 inefficiency, incapacity, or conduct unbecoming. The Commissioner may void acquired streamline tenure status for all applicable charter school employees if stipulated in the terms of probation pursuant to N.J.A.C. 6A:11-2.4.

In accordance with the provisions of N.J.A.C. 6A:11-6.3, the Board of Trustees adopts this Policy to establish a uniform process, including procedures and timelines, for hearing streamline tenure disputes:

1. In the event the Executive Director determines a tenured teaching staff member, janitor, or secretary shall be dismissed from employment with the Charter School, the Executive Director shall provide written notice to the employee of the charges. The written notice of the charges shall include a statement of evidence under oath to support such charges, which shall be hand-delivered with a signed acknowledgment of receipt by the employee or by certified mail with a return receipt.
2. The tenured employee shall have an opportunity to submit a written statement of position and a written statement of evidence under oath with respect to the charges. The tenured employee may also request a hearing with the Board of Trustees to dispute the charges. If the charges are disputed by the employee, the party issuing the tenure charges shall have the burden of substantiating the charges by a preponderance of competent and credible evidence.
3. If a hearing is requested, the tenured employee shall be provided with:
 - a. An opportunity to be represented by legal counsel;
 - b. A list of the charter school administration's witnesses, no later than five days before the hearing; and
 - c. An opportunity to confront and cross-examine witnesses of the administration and to produce his or her own witnesses or affidavits.
4. The employee's written statement of position, a written statement of evidence under oath with respect to the charges, and a request for a hearing with the Board, if requested, shall be submitted to the Executive Director no later than ten days after receipt of the written notice of the charges.
5. A hearing requested by the employee shall be completed no later than thirty calendar days after the Board of Trustees' receipt of the tenured employee's response to the charges, barring any unforeseen circumstances warranting an extension of such time.
6. The Board of Trustees shall review the charges and the evidence to support the charges; the employee's written statement of position and written statement of evidence with respect to the charges; and, if a hearing was conducted, the information obtained at the hearing; and make a determination as to whether the charges have been substantiated by a preponderance of competent and credible

evidence in the record and whether the tenured employee shall be dismissed or reduced in compensation.

7. A written decision reflecting the Board of Trustees' determination whether to dismiss or reduce in compensation the tenured employee must be issued within ten days of the determination. The Board of Trustees written decision shall include, at a minimum:
 - a. A summary of evidence considered;
 - b. Factual findings relative to each charge; and
 - c. A determination whether each charge was substantiated.

8. Upon receipt of the Board of Trustees' written decision finding that a charge has been substantiated, the employee shall have fifteen days to submit to the Commissioner of Education a written appeal of the Board of Trustees' decision. The employee shall serve the Board of Trustees with all briefs or papers filed with the Commissioner of Education in connection with the appeal. The Commissioner of Education may extend the time period for filing an appeal upon finding good cause if the request for an extension is received within the 15-day period provided for filing an appeal.

9. Upon filing an appeal, the Board of Trustees may submit a response to the Commissioner of Education within ten days of receiving all briefs or papers served by the employee and shall serve the employee with a copy of the response.

10. The Commissioner of Education shall render a determination on the appeal within forty-five days of receipt of the Board of Trustees' response. If no response is filed, the determination shall be issued within forty-five days of the date the Board or Trustees' response is due.

11. The Commissioner of Education decision shall constitute a final agency decision appealable to the New Jersey Superior Court Appellate Division.

Board Approval Date: 6/19/2013

Key Words

Tenure, Streamline Tenure, Efficiency, Arbitration, Appeal

Legal References: N.J.S.A. 2A:24-7 Through -10 Application for confirmation, vacation or modification of 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 business administrators, business managers and secretarial and clerical employees
N.J.S.A. 18A:17-3 Tenure of janitorial employees
N.J.S.A. 18A:28-5 Requirements of tenure
N.J.S.A. 18A:36A-1 et seq. Charter School Program Act
See Particularly:

N.J.S.A. 18A:36A-14 Authority of the board of trustees; employees
N.J.A.C. 6A:11-6.1 et seq. Tenure acquisition

Possible

Cross References: *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.