

Life-Time Tenure

- A. **The NJSBA believes** that, given the multitude of employment protection provided by a number of other laws, New Jersey's existing statutory system of life-time tenure is an outdated and unnecessary approach that impedes local school boards' ability to hold their tenured staff accountable for continued effectiveness of performance and productive contributions to the district's efforts to provide a quality educational program and environment for its students.
- B. **The NJSBA believes** that New Jersey's current system of life-time tenure should be replaced with a system of renewable employment contracts which balances employees' needs for employment security with boards' needs to hold staff accountable for continued performance effectiveness. *[Authority: DA 12/75 - CR (Middle Management Tenure), DA 12/77-CR (Teacher Tenure), DA 1/80-22, DA6/92-3, DA 11/96-SR]*
- C. **The NJSBA believes** that until a system of renewable employment contract is enacted, the current process of life-time tenure should be modified and amended to improve boards' ability to hold their staff accountable and to facilitate the removal of ineffective tenured staff members. *[Authority: DA 5/75-12, DA 6/77-13b, DA 6/81-16, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR]*

System of Renewable Employment Contracts for Teachers

- A. **The NJSBA believes** that the outdated life-time tenure system for teachers should be replaced by a statutory system of renewable contracts which includes:
- a probationary period of sufficient duration to evaluate teachers' effectiveness (such as three to five years) in which teachers would be offered one-year contracts, which would be renewed annually based on performance evaluations; and
  - a multi-year period (such as five years) of employment where teachers who had successfully completed their probationary periods would be issued multiyear employment contracts.
- B. **The NJSBA believes** that during multiyear employment contracts, teachers would enjoy contractual security and could only be dismissed or reduced in compensation under specific circumstances, such as:
- action of the Commissioner of Education following the district's certification and proof of charges of inefficiency, incapacity, unbecoming conduct or other just cause;
  - the exercise of boards' authority to lay-off teachers for reasons related to a Reduction in Force at any time, with no payment for the balance of the multiyear contract period; and
  - the termination of a teacher employed under a multiyear contract, as long as the teacher is provided with full payment for the balance of the contract period.
- C. **The NJSBA believes** that no employment decisions concerning teachers should be the subject of either negotiations or arbitration and that the Renewable Employment Contract system should not be amended or modified through collective negotiations.
- D. **The NJSBA believes** that a system of renewable employment contracts should be phased in so that all currently tenured teachers would retain their tenure rights, but all non-tenured and future teachers would

be subject to the provisions of the new law. *[Authority: DA 12/77-CR Teacher Tenure, DA 1/80-22, DA 6/92-3, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR]*

### System of Renewable Employment Contracts for Middle Management

- A. **The NJSBA believes** that the present tenure statutes tend to inhibit the educational process at the local level and serve no useful purpose in encouraging school administrators to provide challenging and innovative leadership and should be replaced with a system of renewable contracts.
- B. **The NJSBA believes** that administrators' multiyear employment contracts for a defined period (such as 3 to 5 years) should:
- include the setting of performance objectives and be renewed on basis of evaluations of performance;
  - provide job security during the terms of the employment contract, and that no middle manager could be dismissed or reduced in compensation except for inefficiency, incapacity, unbecoming conduct or other just cause as prescribed in N.J.S.A. 18A:6-10 et seq. But, the board of education could terminate a middle manager at anytime with full payment for the balance of a contract period; and
  - retain the tenure right of all middle managers who had attained tenure on the effective date of the legislation. *[Authority: DA 12/75 - CR Middle Management Tenure, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR]*

### Intermediate Steps in Reforming Existing Tenure System

**NJSBA believes** that, until the existing statutory tenure system is replaced by a system of renewable contracts, the current process should be modified and improved to:

- Provide for Revocation of Tenure so that earned tenure could be terminated after three years of negative performance evaluation. *[Authority: DA 12/83-8, DA 11/96-SR]*
- Modify Payment During Tenure Hearings so that N.J.S.A. 18A:6-14 provides elements to reduce boards' costs of processing tenure charges, including permitting a board of education to seek and obtain reimbursement of salary that the district paid to an employee during the pendency of tenure charges, should the employee ultimately be dismissed from his or her position. *[Authority: DA 5/75-12, DA 6/77-13b, DA 6/81-16, DA 11/96-SR, DA 5/11-1]*
- Modify Deadline for Tenure Hearing Decision to reduce the delays and prolonged proceedings by the statutory requirement of a reasonable timeline for the tenure removal process, including a statutorily required period of time after the date charges are certified to the Commissioner for the completion of hearings and the issuance of initial decisions. *[Authority: DA 12/82-16, DA 11/96-SR]*
- Modify Promotions and Transfers Procedures to eliminate a shortened probationary period for tenure in new positions following transfer or promotion from another position. *[Authority: DA 12/74-7, DA 11/96-SR]*
- Modify Supervisor Tenure to assure that statute and regulations provide that entitlement for supervisory positions will be based upon the staff member's possession of the appropriate supervisory certificate as well as the possession of the qualifications established by the local board in accordance with administrative code standards for determining seniority. *[Authority: DA 12/94-10, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 12/16-SR]*

**Cross References:** 4112.1 Individual contracts

**Tenure** (continued)

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- 4112.2 Certification
- 4117.4 Reduction in force/abolishing a position

**Key Words:** tenure, contracts