

CHAPTER 11 INSTRUCTIONAL STAFF

Authority

N.J.S.A. 30:1-12, 18A:1-1, 18A:7B-6 and 9, and
18A:60-1 et seq. (P.L. 1986, c.158).

Source and Effective Date

R.2005 d.150, effective April 18, 2005.
See: 36 N.J.R. 3520(a), 37 N.J.R. 1729(a).

Chapter Expiration Date

Chapter 11, Instructional Staff, expires on April 18, 2010.

Chapter Historical Note

Chapter 11, Instructional Staff, was adopted as R.1990 d.25, effective January 16, 1990. See: 21 N.J.R. 2849(b), 22 N.J.R. 215(a).

Pursuant to Executive Order No. 66(1978), Chapter 11, Instructional Staff, was readopted as R.1995 d.86, effective January 13, 1995. See: 26 N.J.R. 4297(a), 27 N.J.R. 499(a).

Pursuant to Executive Order No. 66(1978), Chapter 11, Instructional Staff, was readopted as R.1999 d.445, effective November 29, 1999. See: 31 N.J.R. 2440(a), 31 N.J.R. 4259(b).

Chapter 11, Instructional Staff, was readopted as R.2005 d.150, effective April 18, 2005. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. TENURE

- 10:11-1.1 Purpose
- 10:11-1.2 Scope
- 10:11-1.3 Definitions
- 10:11-1.4 Scope of tenure
- 10:11-1.5 Eligibility
- 10:11-1.6 Notice of reemployment; non-reemployment
- 10:11-1.7 Performance assessment
- 10:11-1.8 Disciplinary action—tenured staff
- 10:11-1.9 Reduction in force

SUBCHAPTER 1. TENURE

10:11-1.1 Purpose

This subchapter implements the provisions of N.J.S.A. 18A:60-1 et seq. which grant tenure rights to instructional staff of the Department of Human Services.

Amended by R.2005 d.150, effective May 16, 2005.
See: 36 N.J.R. 3520(a), 37 N.J.R. 1729(a).

Substituted "et seq." for "and 18A:60-1.1 (P.L. 1986, c.158)."

10:11-1.2 Scope

(a) This subchapter applies to all individuals employed by the Department of Human Services who:

1. Are required to possess appropriate educational certification as a condition of employment; and
2. Are not otherwise included in the New Jersey Department of Personnel career service.

Amended by R.1999 d.445, effective December 20, 1999.

See: 31 N.J.R. 2440(a), 31 N.J.R. 4259(b).

In (a)1, inserted "appropriate" following "possess".

Amended by R.2005 d.150, effective May 16, 2005.

See: 36 N.J.R. 3520(a), 37 N.J.R. 1729(a).

In (a), substituted "career service" for "classified system" in 2.

10:11-1.3 Definitions

When used in this subchapter, the following terms shall have the indicated meanings, unless the context clearly indicates otherwise.

"Break in service" means resigning or leaving a tenured position for any purpose including to enter a career service; a non-tenured, unclassified service; or a Senior Executive Service position.

"Instructional staff member" means a member of the professional staff of the Office of Education or any facility in the Department of Human Services, holding position, employment or function of such character that the qualifications require him or her to possess a valid and effective standard certificate issued by the State Board of Examiners, appropriate to his or her assignment, as determined by the Director, Office of Education. Applications of time earned during possession of emergency or provisional certifications are described in N.J.A.C. 10:11-1.5.

"Office of Education" means the Office of Education within the Department of Human Services.

"One year of service" means, for seniority purposes only, 12 months of employment in pay status in a tenure-applicable title in the Department of Human Services. A service period commences on the date of appointment into a tenure-applicable title. Examples of tenure-applicable titles are Teacher I; Teacher II; Supervisor of Educational Programs I and II; Assistant Supervisor of Educational Programs I and II; Instructor, Commission for the Blind and Visually Impaired; School Psychologist; Learning Disabilities Specialist; School Social Worker; and other educational titles that require staff to hold valid and effective standard certificates, issued by the State Board of Examiners appropriate to the assignment as determined by the Director, Office of Education.

Amended by R.1999 d.445, effective December 20, 1999.

See: 31 N.J.R. 2440(a), 31 N.J.R. 4259(b).

In "Instructional staff member", inserted "the Office of Education or" following "staff of", deleted "office," following "holding", and deleted "instructional" preceding "assignment"; in "One year of service", deleted "Supervising Consultant, Curriculum Services;" following "Worker;"; inserted "other" preceding "educational", and substituted

"assignment" for "instructional function" following "appropriate to the"; and deleted "Supervisory or administrative staff".

Amended by R.2005 d.150, effective May 16, 2005.

See: 36 N.J.R. 3520(a), 37 N.J.R. 1729(a).

Added "Break in service" and "Office of Education"; in "Instructional staff member", substituted "position, employment or function of such character" for "position or employment of such character".

10:11-1.4 Scope of tenure

Once tenure is acquired by an employee, such standing shall apply throughout the Department of Human Services. If, however, the employee experiences a break in service, he or she will forfeit tenure rights.

Amended by R.2005 d.150, effective May 16, 2005.

See: 36 N.J.R. 3520(a), 37 N.J.R. 1729(a).

Deleted the last sentence.

10:11-1.5 Eligibility

(a) In addition to fulfillment of the requirements set forth in N.J.A.C. 10:11-1.2, and pursuant to N.J.S.A. 18A:60-1 et seq., those individuals who have been continuously employed for at least two academic years in an instructional capacity within the Department of Human Services as of July 1, 1986 and have completed at least two years of educational services with satisfactory evaluations shall acquire tenure upon completion of one additional year of satisfactory service.

(b) Those individuals who do not meet the requirements set forth in (a) above, but were employed on or after July 1, 1986, shall be eligible for tenure:

1. After continuous employment for three consecutive years; or
2. After employment for the equivalent of more than three years within a period of four consecutive academic years.

(c) Employment experience obtained under emergency or provisional certification, in accordance with N.J.A.C. 6A:9, may be applied towards tenure eligibility, provided an instructional staff person, following his or her employment under an emergency certificate, is issued a permanent certificate in the same educational services endorsement area as the emergency certificate. However, tenure may be acquired only when standard certification is issued.

Amended by R.1995 d.86, effective February 6, 1995.

See: 26 N.J.R. 4297(a), 27 N.J.R. 499(a).

Amended by R.1999 d.445, effective December 20, 1999.

See: 31 N.J.R. 2440(a), 31 N.J.R. 4259(b).

In (a), substituted a reference to educational services for a reference to instructional services.

Amended by R.2005 d.150, effective May 16, 2005.

See: 36 N.J.R. 3520(a), 37 N.J.R. 1729(a).

Rewrote (c).

10:11-1.6 Notice of reemployment; non-reemployment

(a) All notices under this section, including the recommendation for reemployment or the 60-day notice of non-reemployment, shall be made by the appointing authority and the Director, Office of Education, or his or her qualified designee for all instructional staff.

1. By the appointing authority, in conjunction with an educationally certified supervisor or educationally certified administrator, for non-supervisory or non-administrative instructional staff;

2. By the appointing authority, in conjunction with the Director, Office of Education, or his or her qualified designee, for all supervisory or administrative staff.

(b) A written notice of non-reemployment shall be provided to an individual not to be granted tenure at least 60 days prior to such individual's date of tenure eligibility pursuant to N.J.A.C. 10:11-1.5.

(c) All non-tenured instructional staff not recommended for tenure shall be dismissed prior to the otherwise effective date of tenure.

(d) Any instructional staff member who receives a notice of non-reemployment, as noted in (b) above, may, within 15 days of receipt of the notice, request, in writing, a statement of the reasons for such action from the appointing authority (N.J.S.A. 18A:27-3.2), which statement of reasons shall be given to the instructional staff member in writing within 30 days after the receipt of such request.

Amended by R.1999 d.445, effective December 20, 1999.

See: 31 N.J.R. 2440(a), 31 N.J.R. 4259(b).

Rewrote (a).

Amended by R.2005 d.150, effective May 16, 2005.

See: 36 N.J.R. 3520(a), 37 N.J.R. 1729(a).

In (a), rewrote 1 and 2.

10:11-1.7 Performance assessment

(a) The supervision and evaluation of instructional staff shall be conducted by educationally certified supervisors employed in an educational capacity within the Department of Human Services or by the Director, Office of Education, or his or her appropriately qualified designee, in conjunction with the appointing authority.

(b) For purposes of evaluation of non-tenured instructional staff, the following provisions shall apply.

1. An educationally certified supervisor, an educationally certified administrator or the Director, Office of Education, as appropriate, shall conduct the annual Performance Assessment.

2. The annual Performance Assessment shall consist of a minimum of three observations, three written evaluations, and three conferences.