



An Overview of Tenure

What is tenure?

Generally, new administrators/teachers/teaching assistants are "on probation" for the first four years of their careers. For teachers who have received tenure in another district before coming to Irvington and/or or served as a leave replacement teacher, the probationary period may be shortened by up to three (3) years. Four (4) year probationary teachers must receive three (3) annual APPR composite ratings of Effective or Highly Effective, in at least three (3) of the preceding four (4) years and cannot have an APPR composite rating of Ineffective in the last year of his or her probationary appointment to be granted or considered for tenure. During that period, they may be dismissed at any time.

Unlike teachers, administrators who received tenure in another school district in the state are not entitled to a shortened probationary period, and must serve the full four (4) probationary period.

A probationary teacher is advised prior to the end of the four (4) year probationary period whether or not he or she will be recommended for tenure. Tenure is granted by the Board of Education on recommendation of the Superintendent, following observation and review of the probationary administrator/teacher/teaching assistant. Without the Superintendent's recommendation, tenure cannot be granted. A candidate who has not been recommended for tenure may choose to resign rather than be terminated at the end of the probationary period. Alternatively, that teacher has the legal right to request a fifth probationary year (Juul) in order to give the administration additional time to evaluate their performance. This is solely the teacher's choice - not the administration or the Board.

Once granted tenure, an administrator/ teacher/teaching assistant is guaranteed a system of due process, but is not guaranteed a job for life. The tenure law protects administrators/teachers/teaching assistants from arbitrary or capricious dismissal. For example, it prevents a school district from firing a competent administrator/teacher/teaching assistant so that it can hire someone else who may have better personal or political connections.

Tenure Areas

When a teacher is hired, he/she is appointed to a position in a tenure area established by the regulations of the Board of Regents. Tenure area placement is important in determining seniority, a right that protects employees in case of layoff.

Teachers are placed in the following tenure areas:

- Elementary (Pre-K through sixth grade)
- Middle grades (seventh and eighth grades in schools where those grades are not departmentalized by academic areas)
- Seventh grade and above when there is departmentalization. There are separate tenure areas for English, social studies, mathematics, science and foreign languages.
- Other subject areas, encompassing 15 special subjects (art, music, driver education, business education, health, home economics, industrial arts, physical education, remedial reading, remedial speech, English as a second language and four branches of education for the disabled); six vocational areas; and seven supportive educational services (guidance counselor, school library media specialist, school psychologist, school social worker, school nurse-teacher, school dental hygienist and attendance).

A teacher may not be transferred or assigned outside of his or her tenure area without his or her written consent. A teacher may, however, be involuntarily assigned to teach outside of his or her certification area for no more than one period per day. If a teacher is certified in more than one tenure area, he or she may be granted a probationary appointment, and ultimately tenure, in more than one tenure area. However, in order to gain credit toward seniority and/or tenure, such assignment(s) must be, generally speaking, for at least 40 percent of the time.

IUFSD Observation and Evaluation for Non-Tenured Teachers

The New York State Education Department requires and approves all school district's Annual Professional Performance Review (APPR) Plans. As part of the plan each school district must define their process for the evaluation of teachers. This process is developed through a joint committee of IFA members and representatives of the Administration. It prescribes the number of times a teacher is observed throughout the school year. In Irvington, the following chart describes the number of observations, and the type of observation each non-tenured teacher receives.

Non-Tenured Teacher Observation Events			
Observation Announced Timeframe: Full Period	Extended Walkthrough - Unannounced Timeframe: 20 minutes	Walkthrough Announced Timeframe: 10-15	Observation Unannounced Timeframe: Full Period

IFA-Specific Tenure Requirements - Procedure During the Probationary Period

- a. It is the responsibility of the administration to counsel a teacher and to promote improvement of his/her level of competence.
- b. Special conferences will be held with those teachers whose performance is judged to be less than satisfactory in December or January and April or May of each year of the probationary period. This does not preclude the possibility of other conferences during the year.
- c. The purpose of the conference will be to inform the teacher of the situation and of his/her need to take action to improve weaknesses, and to provide appropriate recommendations for improvement of performance.
- d. If a teacher in the final year of his/her probationary period is not going to be recommended for tenure, he/she will be notified at least thirty (30) days before the Board of Education is asked to act on the Superintendent of School's recommendation.
- e. If a probationary teacher is to be dismissed after three (3) years, reasons will be given in writing, and an interview with the Board of Education will be held if requested. The Superintendent of Schools will notify the teacher if he/she is not to be recommended for tenure at least six (6) months prior to the expiration of the teacher's probationary period of employment.
- f. Where possible and practical, the Board will make every effort to dismiss a probationary teacher where performance is not satisfactory by the end of the penultimate year of probation.
- g. Reasons for denial of tenure will be given in writing if requested by the teacher.
- h. Teachers granted tenure will be officially notified by the Board of Education.

Irvington Tenure Timeline

Off-cycle candidates will be discussed and planned for on a case by case basis. Most candidates fall into the regular cycle of the school year. For this cycle, we will apply the following guidelines:

- Fall - Tenure candidates will be posted for community feedback
- November – Administration/Board check-in on all candidates
- December - confirmation from principals for all tenure candidates confirming plan for recommendation or written concerns for any teacher who may be in question - reminder that written recommendation is due February 1st
- January - BOE meeting will include an exec session to review candidates - questions, concerns will be discussed
- February - BOE meeting review any pending candidates based on prior meeting
- February 1st - Final candidate tenure recommendation letters from Principals are due to the District Office
- Teachers are informed by their building principal of the anticipated recommendation (May BOE meeting)
- May 1st - Invitation sent to tenure candidates and retirees for June meeting
- June – Administration provides Board with update on probationary candidates
- June - First BOE meeting Tenure & Retirement Celebration

Grounds for Dismissal

Once an administrator/ teacher/teaching assistant is granted tenure, a school district can terminate the administrator/teacher/teaching assistant only for just cause based on general reasons recognized under the Education Law. Some examples of these reasons are:

- Insubordination
- Conduct unbecoming a teacher
- Inefficiency
- Incompetence
- Physical or mental disability
- Neglect of duty
- Failure to maintain certification
- Immoral character
- The 3020-a Hearing

If a school district brings charges against a tenured teacher/teaching assistant, those charges must be made in writing. The teacher/teaching assistant has the right, under Section 3020-a of State Education Law, to an impartial hearing and to legal representation.