

Regulation

NONTENURED TEACHING STAFF NONRENEWAL

While nontenured staff members do not have a right to re-employment, they do have a right to be properly evaluated, counseled, and heard in matters of re-employment. Nontenured staff members, not recommended for re-employment are entitled to a statement concerning why they have not been re-employed. Because of this concern the following procedures are established for the nonrenewal of a nontenured teaching staff member's contract.

Evaluation

Each nontenured teaching staff member will be evaluated in strict compliance with the provisions of N.J.S.A. 18A:27-3.1, the rules of the State board of education, N.J.A.C. 6A:10-2 et seq. and the policies and procedures of this district (see board policy 4116 Evaluation).

Evaluations shall candidly and honestly set forth both the strengths and weaknesses of the teacher in order to provide an accurate assessment of his or her performance and to foster improvement as appropriate.

Recommendation

When a determination is made, based on performance evaluations and a failure to improve performance based on those evaluations, that a nontenured member of the teaching staff will not be rehired, the chief school administrator will so inform the teacher in writing no later than May 15th annually.

A recommendation by the chief school administrator for non-renewal of a teaching contract for a nontenured staff member, based on the evaluation of performance or other factors that make continued employment not in the best interests of the district, will be made to the board of education no later than the regular meeting of the board of education before May 15th annually. Non-renewal shall not be recommended for any reasons that are trivial or insubstantial, unsupported by fact and documentation, in violation of laws against discrimination, or based on the teacher's exercise of his or her protected right to freedom of expression and association. However, it must be considered, that, under some circumstances freedom of expression and association may rise to the level of being detrimental to the operation of the district in an orderly and effective manner. Under such circumstances these activities may be considered as part of a non-renewal recommendation.

Nontenured teaching staff members may only have their contracts terminated or not renewed on the recommendation of the chief school administrator. The vote for non-renewal requires a majority of the full board and may not be withheld for approval or capricious reasons once the chief school administrator has so recommended.

Board Action

The board will meet in private or executive session, no later than the regular meeting before May 15th, annually, to review the chief school administrator's recommendation(s) for the non-renewal of nontenured teaching staff members. Notice of this meeting shall be given in accordance with N.J.S.A. 10:4-12 and individual notice (Rice) shall be given to those employees whose possible non-renewal shall be discussed at the meeting not less than forty-eight hours in advance. If any employee so notified opts for a public discussion of his or her recommendation, that recommendation shall be severed from the private or executive agenda and held in the public portion of the meeting.

The minutes of the private or executive session shall record the chief school administrator's recommendation for non-renewal and a summary of the reasons for each recommendation.

NONRENEWAL (regulation continued)

A nontenured teaching staff member not recommended for contract renewal by the chief school administrator is deemed to be non-renewed. A board vote is required on the chief school administrator's recommendation, however the vote may not be withheld for arbitrary and capricious reasons.

Notice Of Nonrenewal

Notice of the decision to not renew the contract of a nontenured teaching staff member shall be given to each affected staff member no later than forty-eight hours after the board meeting, but in no case later than May 15th annually in accordance with N.J.S.A. 18A: 27-10. The board may delegate the chief school administrator or the board Secretary to give the non-renewal notice to the staff member.

Notice of non-renewal shall be in writing and every effort shall be made to place such notice in the employee's hands not later than May 15th annually. If the notice is hand delivered, a record shall be made of the date on which delivery was made. If the notice is sent by mail, it shall be sent registered mail, return receipt requested, and the receipt shall become part of the staff member's personnel file.

Request for a Statement of Reasons

A non-renewed nontenured teaching staff member may request a statement of the reasons for the non-renewal provided that the request is made within fifteen days of notifications of the vote to not renew the contract. When such a request is made, the teacher will be given a written statement of the reasons for the non-renewal (N.J.S.A. 18A: 27-3.2).

The statement of reasons for non-renewal will establish as specifically as possible, the reasons for the non-renewal. When the non-renewal is based on performance deficiencies from the teacher's evaluation(s) and the teacher has been given copies of the evaluations, the statement of reasons may reference the evaluations and not be required to repeat them.

The statement of reasons is to be prepared by the chief school administrator and shall be delivered to the employee who requested it within thirty days of receipt of the request.

Board Appearance

A nontenured teaching staff member who is not recommended for contract renewal and who has requested a statement of reasons for the recommendation may request in writing an informal appearance before the district board of education. The written request shall be submitted to the district board of education within 10 calendar days of teaching staff member's receipt of the district board of education's statement of reasons.

The informal appearance shall be scheduled within 30 calendar days from the teaching staff member's receipt of the district board of education's statement of reasons.

The nontenured teaching staff member's appearance before the board of education shall not be an adversary proceeding. The purpose of the appearance shall be to provide the staff member the opportunity to convince board of education members to offer reemployment.

The board of education shall exercise discretion in determining a reasonable length of time for the proceeding, depending upon each instance's specific circumstances. The board shall provide to the employee adequate written notice regarding the date and time of the informal appearance. The nontenured staff member may:

- A. Be represented by counsel or one individual of his or her choosing;
- B. The staff member may present on his or her behalf witnesses who do not need to present testimony under oath and shall not be cross-examined by the district board of education. Witnesses shall be called one at a time into the meeting to address the board and shall be excused from the meeting after making their statements.

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The informal appearance shall be in closed session unless the staff member requests in writing that the informal appearance before the board be conducted pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-12,b,8) at a public board meeting.

Within three days following the informal appearance, the board shall notify the affected teaching staff member, in writing, of its final determination. The board may delegate notification to the chief school administrator or board secretary.

Adopted:	April 28, 2004
NJSBA Review/Update:	June 2015
Readopted:	August 12, 2015