

Regulation

SUPPORT 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 support staff member's contract.

Evaluation

Each nontenured support staff member will be evaluated annually prior to May 1st in strict compliance with the policies and procedures of this district.

Evaluations shall candidly and honestly set forth both the strengths and weaknesses of the employee 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 support staff will not be rehired, the school business administrator will so inform the support staff member no later than March 31st annually. Following his or her notifying the staff member, the school business administrator will recommend the nonrenewal to the chief school administrator no later than April 1st annually. The recommendation shall be in writing and be accompanied by all supporting documents appropriate to the recommendation.

The nontenured support staff member, upon notification by the school business administrator of the recommendation for nonrenewal, may request a meeting with the chief school administrator to discuss the recommendation.

A recommendation by the chief school administrator for nonrenewal of a contract for a non-tenured 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 in the month of May annually. Nonrenewal shall not be recommended for any reasons that are trivial or insubstantial, unsupported by fact and documentation, in violation of affirmative action and discrimination legislation, or based on the employee'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 nontenured support staff members may only have their contracts terminated or not renewed on the recommendation of the chief school administrator. The vote for nonrenewal 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. Should the chief school administrator fail to make a recommendation concerning a member of the support staff, the board does not have the authority to act and the employee is deemed to be non-renewed without a vote of the board.

Board Action

The board will meet in private or executive session, no later than the regular meeting in May, annually, to review the chief school administrator's recommendation(s) for the nonrenewal 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 nonrenewal 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

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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 nonrenewal and a summary of the reasons for each recommendation.

A nontenured support 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 support 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. The board may delegate the chief school administrator or the board Secretary to give the nonrenewal notice to the staff member.

Notice of nonrenewal 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.

A non-renewed nontenured support staff member may request a statement of the reasons for the nonrenewal provided that the request is made within fifteen days of notification of the vote to not renew the contract. When such a request is made, the employee will be given a written statement of the reasons for the nonrenewal.

The statement of reasons for nonrenewal will establish as specifically as possible, the reasons for the nonrenewal. When the nonrenewal is based on performance deficiencies from the employee's evaluation(s) and the employee 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 shall 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.

Required Board Appearance

A nontenured support staff member who is not recommended for contract renewal and who has requested a statement of reasons for the recommendation will be granted an informal appearance before the board of education to discuss those reasons provided that he or she has requested such an appearance, in writing, from the chief school administrator no later than ten calendar days after he or she received the written statement of reasons.

When such a request is properly made, a date shall be established for the informal appearance, which shall be given to the employee within thirty calendar days of the employee's receipt of the statement of reasons.

The appearance shall be conducted at a private or executive session of the board for which notice has been published in accordance with N.J.S.A. 10:4-13, unless the employee has requested a public presentation of the case.

The non-renewed nontenured support staff member requesting the appearance shall be given written notice of the date and time of the meeting, the location, and the time duration to be allotted to the appearance, no later than forty-eight hours prior to the meeting time and date.

The purpose of the appearance is to permit the employee involved to present any appropriate information to the board in an effort to reverse the decision to not renew the contract. The appearance shall be conducted informally and provide a mechanism for the employee to appeal the chief school administrator's

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recommendation. The chief school administrator, as a nonvoting member of the board in accordance with N.J.S.A. 18A:17-20 shall be present. The president of the board will conduct the appearance and the proceedings are not to be permitted to be adversarial in nature.

The non-renewed nontenured support staff member is entitled to representation by legal counsel or by one individual of his or her choosing. The employee may present witnesses on his or her behalf who shall be sworn by the president despite the informal nature of the appearance. When more than one witness is called, they will be seen individually and dismissed following their testimony.

Following the appearance, the chief school administrator may make a new recommendation for either nonrenewal or for re-employment of the employee and the board must vote on the recommendation. The required vote is a majority of the full board and may not be withheld for arbitrary or capricious reasons. The chief school administrator may also opt not to make a recommendation following the appearance. If this is the case, the employee is automatically deemed to be not renewed and no board vote is required.

The board's final decision will be delivered to the non-renewed nontenured support staff member, in writing, no later than three school days after the informal appearance. The board may delegate the chief school administrator or the board secretary to deliver the notice. Receipt of the notice is required from the employee.

Adopted:	July 14, 2004
Revised:	April 11, 2012
NJSBA Review/Update:	June 2015
Readopted:	August 12, 2015