Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 4117.4 Proposed : 09/16/86 Adopted : 10/21/86 Revised : 09/23/2008 Reviewed : 05/06/2024

Reduction in Force / Abolishing a Position

The board of education has the right under state law to abolish unilaterally any existing position in whole or in part and to reduce the number of employees in any category for reasons of economy, reduction in the number of pupils, change in the administrative or supervisory organization, change in the educational program or other good cause.

Should it become necessary to reduce the number of employees in the district, the laws and regulations of the state shall be the controlling guides. If, in the case of such reduction, candidates for termination are nontenured personnel only, the primary basis for selection for termination or reduction shall be the needs of the district's educational program and the individual's contribution toward achievement of that program based on properly completed observations and evaluations.

If, in the case of such reduction, candidates for termination or reduction in grade are tenured in this district, the state regulations regarding seniority shall be the primary basis for decision. In the event that there should be equal applicable seniority among staff members, the decision for reduction or termination shall be based on the needs of the district's educational program and the individual's contribution toward achievement of that program based on properly completed observations and evaluations.

In no case shall any choice be based on arbitrary, capricious, or discriminatory reasons.

The chief school administrator shall prepare guidelines for restructuring positions and for determining objectively which employees are to be dismissed as a result, and shall present his/her recommendations to the board for action.

Key Words

RIF, Reduction in Force, Abolishing a Position, Nontenured Teachers

Legal References:

N.J.S.A.	18A:28-5	Tenure of teaching staff members
N.J.S.A.	18A:28-9	Reduction of force; power to reduce and reasons for reduction
N.J.S.A.	18A:28-10	Reasons for dismissals of persons under tenure on account of reduction
N.J.S.A.	18A:28-11	Seniority; board to determine; notice and advisory opinion
N.J.S.A.	18A:28-12	Dismissal of persons having tenure on reduction; reemployment
N.J.A.C.	6A:9-5.5	Assignment of titles
N.J.A.C.	6A:32-5.1	Standards for determining seniority

Dennery v. Passaic County Regional High School District Bd. of Ed., 131N.J. 626 (1993)

Primka v. Edison, 93 NJAR 2d (EDU) 91 aff'd State Board 93 NJAR 2d (EDU) 94 aff'd App. Div. unpub. Op. Dkt. No. A-2427-92T3 Jan. 18, 1994
Impey v. Board of Education of Shrewsbury, 142 N.J. 388 (1995)
Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1542 (3d Cir. 1996)

Possible Cross References:

*2131	Chief school administrator
*4116	Evaluation
*4117.41	Nonrenewal

*Indicates policy is included in the Critical Policy Reference Manual.