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3142 NONRENEWAL OF A NONTENURED
TEACHING STAFF MEMBER

The Board of Education recognizes its obligation to employ only those staff members best trained and equipped to meet the educational needs of the pupils of this District. The Board shall discharge that obligation by retaining in service only those nontenured teaching staff members who meet those standards. The Board will renew the employment contract of a teaching staff member only upon the recommendation of the Superintendent and by a recorded roll call majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons. A nontenured teaching staff member who is not recommended for renewal by the Superintendent is deemed nonrenewed.

When the nontenured teaching staff member's performance does not meet the standards of the District, the Superintendent shall recommend not to renew the teaching staff member's contract. Prior to notifying the nontenured teaching staff member of the nonrenewal, the Superintendent will notify the Board of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation. The Superintendent may notify the Board in a written notice or in executive session at a full Board Meeting. In the event the Board is notified in executive session, the Superintendent will comply with the requirements of the Open Public Meetings Act and provide reasonable notice to the nontenured teaching staff member their employment will be discussed in executive session in order for the nontenured teaching staff member to exercise their statutory right to request a public discussion.

The Superintendent shall notify each nontenured teaching staff member to whom reemployment will not be offered of such nonrenewal in writing on or before May 15. Any nontenured teaching staff member who received written notice a contract will not be offered may, within fifteen days of receiving such notification, request in writing a statement of the reasons for nonrenewal. The Superintendent will provide a written statement of reasons within thirty days after the receipt of any such request.

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Whenever the nontenured teaching staff member has requested in writing and received a written statement of reasons for non-reemployment, the nontenured teaching staff member shall have the right to an informal appearance before the Board to permit the staff member an opportunity to convince the members of the Board to offer reemployment. The staff member must request the appearance before the Board within ten calendar days of the nontenured teaching staff member's receipt of the statement of reasons. The informal appearance before the Board shall be held in accordance with the provisions of N.J.A.C. 6A:10-8.1.

The Board is not required to offer reemployment or vote on reemployment after an informal appearance with a nontenured teaching staff member who was not recommended for reemployment by the Superintendent. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured teaching staff member reemployment after the informal appearance before the Board. The nontenured teaching staff member will be notified of the Board's final determination within three days following the informal appearance before the Board.

N.J.S.A. 18A:27-3.1; 18A:27-3.2; 18A:27-4.1; 18A:27-10 et seq.
N.J.A.C. 6A:10-8.1

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A. Evaluations

1. Each nontenured teaching staff member shall be evaluated in strict compliance with statute, N.J.S.A. 18A:27-3.1, rules of the State Board of Education, N.J.A.C. 6A:10-1.1 et seq., and the policies and procedures of this District.

B. Nonrenewal Recommendation

1. When a nontenured teaching staff member's performance does not meet the standards of the District, the Principal or the nontenured teacher's immediate supervisor shall recommend to the Superintendent that the teaching staff member should not be reemployed in the following school year.
2. On or before May 15, the nontenured teaching staff member shall be informed by the Superintendent of Schools, in writing, that employment for the next succeeding school year will not be offered.
3. A recommendation by the Superintendent for nonrenewal may be based upon the nontenured teaching staff member's evaluations, job performance, or any factor affecting his/her employment in this District.
4. Nontenured teaching staff members' contracts can only be renewed upon the Superintendent's recommendation and a majority vote of the full Board. The Board may not withhold its approval for arbitrary and capricious reasons.

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C. Nonrenewal Action

1. Prior to May 15, the Superintendent will notify the Board of the recommendation not to renew a nontenured teaching staff member's contract before notifying the nontenured teaching staff member of the recommendation to not renew. The Superintendent may notify the Board of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation in a written notice to the Board or in an executive session.
2. Subsequent to notifying the Board, the Superintendent and the Board will meet in executive session prior to May 15 to review the Superintendent's recommendation(s) for nonrenewal of nontenured teaching staff member(s). Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to the nontenured teaching staff member(s) whose possible nonrenewal will be discussed at the meeting. If any such nontenured teaching staff member requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation and will be scheduled for discussion at a public meeting prior to May 15.
3. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed nonrenewed. A Board's vote is not required on the Superintendent's recommendation to not renew a nontenured teaching staff member's contract.

D. Notice of Nonrenewal

1. Notice of the Superintendent's decision not to renew shall be given to each nontenured teaching staff member not recommended for renewal on or before May 15 in accordance with N.J.S.A. 18A:27-10. The Board may delegate the Superintendent or designee to give the written notice(s) of nonrenewal.

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2. The nonrenewal notice shall be in writing and provided to the nontenured teaching staff member not recommended for renewal on or before May 15. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the nontenured teaching staff member's address of record.

E. Request for Statement of Reasons

1. A nonrenewed nontenured teaching staff member will be given a written statement of the reasons for which he/she was not renewed provided the nontenured teaching staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the nontenured teaching staff member received written notice of his/her nonrenewal. N.J.S.A. 18A:27-3.2.
2. The statement of reasons for a nonrenewal will set forth, with as much specificity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the nontenured teaching staff member's evaluations and the nontenured teaching staff member has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.
3. The statement of reasons will be prepared by the Superintendent and shall be delivered to the nontenured teaching staff member who requested it within thirty calendar days after the receipt of the nontenured teaching staff member's request.

F. Nonrenewal Appearance

1. A nontenured teaching staff member who has requested a statement of reasons for nonrenewal pursuant to N.J.S.A. 18A:27-3.2, will be granted an informal appearance before the Board to discuss those reasons, provided that he/she has submitted to the Superintendent a written request for such an appearance no later than ten calendar days after the nontenured teaching staff member's receipt of the written statement of reasons. N.J.A.C. 6A:10-8.1(a).

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2. A date for the informal appearance shall be scheduled within thirty calendar days from the nontenured teaching staff member's receipt of the Superintendent's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13. The Board will determine a reasonable length of time to be devoted to the appearance, depending upon each instance's specific circumstances. The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.S.A. 10:4-12(b)(8).
3. The nontenured teaching staff member requesting the appearance shall be given written notice, no later than forty-eight hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.
4. The purpose of the appearance shall be to permit the nonrenewed nontenured teaching staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured teaching staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding and the appearance shall not be an adversary proceeding.
5. The nontenured teaching staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on his/her behalf. Witnesses do not need to present testimony under oath and their statements may be recorded. The Board will hear witnesses and shall not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and shall be excused from the meeting after making their statements.

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G. Final Determination

1. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed nonrenewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured teaching staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment to the voting members of the Board. The voting members of the Board, by a majority vote of the full Board in public session, must vote on the reemployment based on the Superintendent's recommendation.
2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured teaching staff member reemployment after the informal appearance before the Board.
3. The final determination will be delivered to the nontenured teaching staff member, in writing, no later than three days following the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.

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