
REDUCTION IN FORCE/ABOLISHING A POSITION

The Board has the right under state law to unilaterally abolish 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. The Superintendent will continually review the efficiency and effectiveness of the District organization and, if deemed appropriate, recommend to the Board the abolishment of positions and the reallocation of duties and positions.

Should it become necessary to reduce the number of employees in the District, the laws and regulations of the State will be the controlling guides. If, in the case of such reduction, candidates for termination are non-tenured personnel only, one of the factors for selection for termination or reduction will 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, as well as any provisions contained within a collective bargaining agreement.

If, in the case of such reduction, candidates for termination or reduction in grade are tenured in this District, the state regulations regarding seniority will 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 may be based on, among other factors, 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 Superintendent or his/her designee will prepare guidelines for restructuring positions and for determining objectively which employees are to be dismissed as a result, and will present his/her recommendations to the Board for action.

Date: April 29, 1997

Date Revised: April 26, 2010

Legal References:

N.J.S.A. 18A:28-5

N.J.S.A. 18A:28-9

Tenure of teaching staff members

Reduction of force; power to reduce and reasons for reduction

**REDUCTION IN FORCE/
ABOLISHING A POSITION (cont.)**

File Code: 4117.4

Legal References: (continued)

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

Denney 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)

Manual for the Evaluation of Local School Districts

**Possible
Cross References:**

2131	Chief school administrator
4112.6	Personnel records
4115	Supervision/Professional Development
4116	Evaluation
4117.41	Nonrenewal
4131/4131.1	Staff development; in-service education/ visitations/ conferences
4212.6	Personnel records
4215	Supervision/Professional Development
4216	Evaluation
4117.4	Reduction in Force/Abolishing a Position
42117.41	Nonrenewal
4131/4131.1	Staff development; in-service education/ visitations/ conferences