
NONRENEWAL OF TEACHING STAFF MEMBERS

The Board recognizes its obligation to employ only those professional staff members best trained and equipped to meet the educational needs of the pupils within the district. Accordingly, the Board shall renew the employment contract of a non-tenured teaching staff member by a recorded roll call majority vote of the full Board only upon the recommendation of the chief school administrator. A non-tenured teaching staff member who is not recommended for renewal by the Superintendent shall be deemed nonrenewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a non-tenured staff member.

Contracts for non-tenured staff can be renewed only upon the Superintendent's recommendation and majority vote of the full Board. The Board may not withhold its approval of the Superintendent's recommendation for arbitrary and capricious reasons.

Nonrenewal shall not be recommended for any reasons that are trivial and insubstantial, unsupported by facts, based upon the teaching staff member's race, age, marital status, affectional or sexual orientation or sex, or is based upon the teaching staff member's exercise of his/her protected right of free expression and association. Expressions or associations that interfere with the operation of the district may not rise to the level of protected activity.

The Board shall meet before May 15 of each school year to consider the Superintendent's recommendation(s) for renewal of non-tenured employees and to determine those teaching staff members who will be reemployed. Each employee whose reemployment or specific performance will be directly discussed by the Board in an executive session of the full Board meeting will be notified as required by law.

The Board shall notify each teaching staff member to whom reemployment will not be offered of such nonrenewal in writing and no later than May 15 of each school year. Any teaching staff member whose contract has not been renewed by the Board may make a written request for a written statement of reasons for nonrenewal. The Board will provide a written statement of reasons within thirty (30) days of the receipt of any such request. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the employee's evaluations and the employee has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.

A nonrenewed employee may request an informal appearance before the Board in writing within 10 calendar days from the employee's receipt of the statement of reasons. The informal meeting with the Board shall then be scheduled within 30 days of the employee's receipt of the Board's statement of reasons.

It is the Board of Education's prerogative to determine the exact date of the informal meeting, as well as the starting time and length of an informal appearance. The purpose of the informal meeting shall be to permit the staff member a final opportunity to convince the Board of education to offer reemployment. Written notice of date and time for the informal appearance will be provided to the staff member at least five days prior to the informal appearance.

The non-tenured teaching staff member may be represented by counsel or one individual of his/her choosing and may present witnesses on his/her behalf. Witnesses need not be sworn under oath, and their statement will be recorded. The Board will simply hear witnesses and will not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and will be excused from the hearing after making their statements.

After the 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 approve the reemployment based on the Superintendent's recommendation. The Board may not withhold its approval for arbitrary and capricious reasons. A non-tenured teaching staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a non-tenured teaching staff member.

The Board is not required to offer reemployment or vote on reemployment after an informal hearing with a non-tenured 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 teaching staff member reemployment after an informal hearing. Within three days following the informal appearance, the Board of education or its designee will notify the teaching staff member, in writing, of the Board's final decision.

Date: April 29, 1997

Date Revised: April 26, 2010

Legal References:

N.J.S.A. 18A:27-3.1	Non-tenured teaching staff observation/evaluation
N.J.S.A. 18A:27-3.2	Teaching staff member; notice of termination
N.J.S.A. 18A:27-4.1	Board of education, procedure for certain personnel actions; recommendation of chief school administrator
N.J.S.A. 18A:27-10	Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 15
N.J.A.C. 6A:32-4.1	Employment of teaching staff
N.J.A.C. 6A:32-4.6	Procedure for appearance of non-tenured teaching staff members before a district Board of education upon receipt of notice of nonrenewal

Legal References: (continued)

Donaldson v. North Wildwood Board of Education, 65 N.J. (1974)

Hicks v. Pemberton Township Board of Education, 1975 S.L.D. 332

Velasquez v. Brielle Board of Education, 97 N.J.A.R. 2d (EDU) (August 6), aff'g on different grounds Comm'r 96 N.J.A.R. 2d (EDU) (April 4)

Manual for the Evaluation of Local School Districts (June 1993)

Possible

Cross References:

4115	Supervision
4116	Evaluation
4117.4	Reduction in force/abolishing a position