

# REGULATION GUIDE

SUPPORT STAFF MEMBERS

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Nonrenewal of Nontenured Support Staff Member

Oct 13

## R 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

### A. Evaluations

1. Each nontenured support staff member shall be evaluated **\_\_\_\_\_** **at least one time** each school year.
2. Evaluations shall set forth both the strengths and weaknesses of the **nontenured** support **teaching** staff member in order to provide an accurate assessment of his/her performance and to encourage the improvement of that performance.
3. Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured support staff members in the improvement of professional skills.

### B. Nonrenewal Recommendation

1. When a nontenured support staff member's performance does not meet the standards of the district, the **\_\_\_\_\_** **support staff member's immediate supervisor** shall recommend to the Superintendent, no later than **April 1 \_\_\_\_\_**, that the support staff member should not be reemployed in the following school year.
2. The nontenured support staff member shall be informed by the Superintendent of Schools, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the **nontenured** support staff member **in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties \_\_\_\_\_ on or before May 15.**



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3. A recommendation by the Superintendent for nonrenewal may be based upon the **nontenured** support staff member's evaluations, job performance, or any factor affecting his/her employment in this district. ~~Nonrenewal shall not be recommended for any reasons that are trivial and insubstantial; unsupported by facts; based upon the support staff member's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability, if any; or is based upon the support 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.~~
4. ~~A n~~Nontenured support staff member's 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.

## C. Nonrenewal Action

~~[Select Option 1 or 2]~~

### ~~Option 1~~

1. The Superintendent will notify the Board ~~m~~Members of the recommendation not to renew ~~the~~ a **nontenured** support staff member's contract **before notifying the support staff member of the recommendation to not renew. The Superintendent may notify the Board members of the recommendation not to renew the nontenured support staff member's contract** and the reasons for the recommendation in a written notice to the Board ~~no later than May 10.~~ **In the alternative, the Superintendent may notify the Board members of the recommendation not to renew a nontenured support staff member in executive session. Using this option,**

**OR**



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## Option 2

1. The Board will meet in executive session ~~no later than May 10~~ to review the Superintendent's recommendation(s) for **nonrenewal nonemployment** of nontenured support staff members. 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~~ hours in advance of the meeting, to those **nontenured support staff members** ~~employees~~ whose possible nonrenewal will be discussed at the meeting. If any such employee requests ~~that~~ the discussion take place in public, the recommendation for his/her nonrenewal will be severed from **any other nonrenewal recommendation** ~~the rest~~ and **will be** scheduled for discussion at a public meeting ~~to be held no later than May 10~~.

2. A nontenured support 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 nontenured support staff member's **contract**.

## D. Notice of Nonrenewal

1. Notice of the **Superintendent's** decision not to renew shall be given to ~~the~~ **each** nontenured support staff member not recommended for renewal **in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties** ~~on or before May 15~~. The Board may delegate the Superintendent or the Board Secretary to give the written notice of nonrenewal.

2. **The nonrenewal n**Notice shall be in writing and provided to the nontenured teaching staff member **not recommended for renewal in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties** ~~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 support staff member's** ~~employee's~~ address of record.



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## E. Request for Statement of Reasons

1. A nonrenewed support staff member will be given a written statement of the reasons for which he/she was not renewed provided the **support** staff member's request for a statement of reasons has been received by the **Superintendent** ~~\_\_\_\_\_~~ within fifteen calendar days after the support ~~teaching~~ staff member has received written notice of his/her nonrenewal.
2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise 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.
3. The statement of reasons may be prepared by the Superintendent or the Board Secretary and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee's request.

## F. Nonrenewal Appearance

1. A support staff member who has requested a statement of reasons for his/her nonrenewal will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the **Superintendent** ~~\_\_\_\_\_~~ a written request for such an appearance no later than ten calendar days after **the support staff member's receipt of** ~~he/she has received~~ the written statement of reasons.
2. A date ~~shall be set~~ for **the an** informal appearance, ~~which shall be held~~ **shall be scheduled** within thirty calendar days **from** ~~of~~ the **support staff member's** ~~employee's~~ receipt of the Board'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



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length of time to be devoted to the appearance, **depending upon each instance's specific circumstances.** ~~taking into account the circumstances of the nonrenewal and the statement of the reasons given to the employee.~~ The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.A.C. 10:4-12(b)(8).

3. The support staff member requesting the appearance shall be given written notice, no later than **forty-eight** ~~hours~~ 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 support 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 support 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 will** not **be become** an adversary proceeding.
5. The support staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on ~~in~~ his/her behalf. Witnesses **do not** need ~~not be sworn to present testimony~~ under oath, and their statements **will may** be recorded. The Board will ~~simply~~ hear witnesses and ~~will 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.

## G. Final Determination

1. **A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is required on the Superintendent's recommendation(s) to not renew a nontenured support staff**



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**member. However, a**After **the 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 approve the reemployment based on the Superintendent's recommendation. ~~The Board may not withhold its approval for arbitrary and capricious reasons. A nontenured support 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 nontenured support staff member.~~

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** support staff member reemployment after **the informal appearance before the Board an informal hearing**.
3. The final determination will be delivered to the nontenured support staff member, in writing, no later than three days **following** ~~after~~ the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.

Adopted: 9 April 2009

**Second Reading: 5 December 2013**

