

CODIFICATION REFERENCE NUMBER: 4146

DATE: January 18, 1999

**NON-RENEWAL OF NON-TENURED
SUPPORT STAFF EMPLOYMENT CONTRACTS**

RESPONSIBILITY:

The Superintendent will be responsible for the implementation of this procedure.

PROCEDURES:

A. Evaluations:

- Each nontenured support staff member shall be observed/evaluated once each school year.
- Observations shall candidly and honestly set forth both the strengths and weaknesses of the support staff member in order to provide an accurate assessment of his or her performance and to encourage the improvement of that performance.
- Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured support staff members in the improvement of their skills.

B. Nonrenewal Recommendation

- When a nontenured support staff member fails to improve his or her performance in accordance with observations or, in the opinion of the principal/director, his or her continued employment will not serve the best interests of our School District, the principal/director shall recommend to the Superintendent, no later than April 15th, that the support staff member should not be reemployed in the following school year.
- The support staff member shall be informed of the nonrenewal recommendation and may be requested to discuss the recommendation with the Superintendent.
- A recommendation by the Superintendent for nonrenewal may be based upon the support staff member's observations, job performance, or any factor affecting his or her employment in our 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, age, gender, creed, religion, ancestry, or disability, if any; or upon the support staff member's exercise of his or her protected right of free expression and association. Expressions or associations that interfere with the operation of our District may not rise to the level of protected activity.

- Nontenured support staff members' contracts can 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

- The Board will meet in executive session no later than May 15th to review the Superintendent's recommendation(s) for the reemployment 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 ten (10) school days in advance of the meeting, to those 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 or her nonrenewal will be severed from the rest and scheduled for discussion at a public meeting to be held no later than May 15th.
- The minutes of the executive session shall record the Superintendent's recommendation(s) for nonrenewal of nontenured support staff members and a summary of the reasons for each nonrenewal.
- The Board will determine, by a majority vote of those present and voting at a public meeting, whether nontenured support staff members will be offered reemployment or notified of their nonrenewal.
- 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.

D. Notice of Nonrenewal

- Notice of the Board's decision not to renew shall be given to each affected nontenured support staff member no later than May 15th. The Board may delegate the Superintendent or the Board Secretary to give notice of nonrenewal.
- Notice shall be in writing, and every effort shall be made to place the notice in the employee's hands by May 15th. 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 employee's address of record.

E. Request for Statement of Reasons

- A nonrenewed support staff member will be given a written statement of the reasons for which he or she was not renewed provided, that his or her request for a statement of reasons has been received by the Superintendent no later than fifteen (15) calendar days after the support staff member has received notice of his or her nonrenewal.

- 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 observations and the employee has been given a copy of those observations, the statement of reasons may incorporate the observations by reference.
- 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 (30) calendar days of the receipt of the employee's request.

F. Nonrenewal Appearance

- A support staff member who has requested a statement of reasons for his or her nonrenewal will be granted an informal appearance before the Board to discuss those reasons, provided that he or she had submitted to the Superintendent a written request for such an appearance no later than ten (10) calendar days after he or she has received the written statement of reasons.
- A date shall be set for an informal appearance, which shall be held within thirty (30) calendar days of the 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 length of time to be devoted to the appearance, taking into account the circumstances of the nonrenewal and the statement of the reasons given to the employee.
- The support staff member requesting the appearance shall be given written notice, no later than ten (10) days in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.
- 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 will not become an adversary proceeding.
- The support staff member may be represented by an attorney or by one individual of his or her choosing. He or she may present witnesses to testify on in his or her behalf. Witnesses need not be sworn under oath, and their statements 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 shall be excused from the meeting after making their statements.

G. Final Determination

- 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 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.
- The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the support staff member reemployment after an informal hearing.
- The Board's final determination will be delivered to the nontenured support staff member, in writing, no later than three (3) school days after the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.