



# POLICY

## SUPPORT STAFF MEMBERS

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**Board of Education** Nonrenewal of Nontenured Support Staff Member

### **4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER**

The Board will renew the employment contract of a nontenured support 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 will not withhold its approval for arbitrary and capricious reasons. A nontenured support staff member who is not recommended for renewal by the Superintendent is deemed nonrenewed.

When the nontenured support staff member's performance does not meet the standards of the school district, the Superintendent shall recommend not to renew the nontenured support staff member's contract. Prior to notifying the nontenured support staff member of the nonrenewal, the Superintendent will notify the Board of the recommendation not to renew the nontenured support 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 support staff member their employment will be discussed in executive session in order for the nontenured support staff member to exercise their statutory right to request a public discussion.

The Superintendent shall provide written notification to each nontenured support staff member to whom reemployment will not be offered in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. Paraprofessionals continuously employed since the preceding September 30 as a school aide or classroom aide in a school district that receives funding under Title I of the Federal Elementary and Secondary Education Act of 1965 shall be notified of renewal or nonrenewal on or before May 15 in each year in accordance with the provisions of N.J.S.A. 18A:27-10.2.

Any nontenured support staff member receiving notice that a contract for the succeeding year will not be offered, may within fifteen calendar days, request in writing a statement of the reasons for such nonemployment which shall be given to the nontenured support staff member in writing within thirty calendar days after the receipt of such request.

Whenever a nontenured support staff member has requested in writing and received a written statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, the nontenured support staff member may request in writing an informal appearance before the Board. The written request shall be submitted to the Board within ten calendar days of the nontenured support staff member's receipt of the Board's statement of reasons. The informal appearance shall be scheduled within thirty calendar days from the nontenured support staff member's receipt of the Board's statement of reasons.



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The Board is not required to offer reemployment or vote on reemployment after an informal appearance with a nontenured support 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 support staff member reemployment after the informal appearance before the Board. Within three working days following the informal appearance, the Board shall notify the affected nontenured support staff member, in writing, of its final determination

The provisions as outlined in Policy and Regulation 4146 may be revised or adjusted by the Superintendent of Schools to be in accordance with the terms and timelines of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties provided the terms are not contrary to any statute, administrative code, or any management rights of the Board.

This Policy does not apply to the contract renewal of the Treasurer of School Moneys, Board Auditor, Board Attorney or Board Secretary, except a Board Secretary who performs business administration functions.

N.J.S.A. 18A:27-3.2; 18A:27-4.1-  
N.J.A.C. 6A:10-9.1

BOE Revised Date: 8/26/2021  
BOE Approved Date: 1/24/2019



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### **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 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 school district, employment will not be offered to the nontenured support staff member for the succeeding 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 timelines and terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties.
3. A recommendation by the Superintendent to not renew the nontenured support staff member may be based upon the nontenured support staff member's evaluations, job performance, or any factor affecting his/her employment in the school district.
4. A nontenured support staff member contract can be renewed only upon the Superintendent's recommendation and a majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons.

#### C. Nonrenewal Action

1. Prior to notifying the nontenured support staff member of the nonrenewal, the Superintendent shall notify the Board of the recommendation not to renew the nontenured support staff member's contract and the reasons for the recommendation. The Superintendent may notify the Board members of the



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recommendation not to renew the nontenured support staff member's contract and the reasons for the recommendation in a written notice to the Board or in the alternative, in executive session. If notification is provided to the Board in executive session, the Superintendent and the Board will meet in executive session in accordance with the timelines and terms of any applicable collective bargaining agreement, individual contract, or any other agreement between parties.

a. 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 those nontenured support staff members whose possible nonrenewal will be discussed at the meeting. If any such nontenured support 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.

2. The Superintendent will ensure the timelines for nonrenewal action are in accordance with the timelines and terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties.

3. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board of Education 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. The nonrenewal notice shall be provided to the nontenured support staff member not recommended for renewal by the Superintendent in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. 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 address of record.

#### E. Request for Statement of Reasons

1. Any nontenured support staff member receiving notice that a contract for the succeeding school year will not be offered may, within fifteen calendar days thereafter, request in writing a statement of the reasons for such nonemployment which shall be given to the nontenured support staff member in writing thirty calendar days after the receipt of such request.



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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 nontenured support staff member's evaluations and the nontenured support 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 may be prepared by the Superintendent or the Board Secretary and shall be delivered to the nontenured support staff member who requested the statement of reasons within thirty calendar days after the receipt of the nontenured support staff member's request for the statement of reasons.

#### F. Nonrenewal Appearance

1. Whenever the nontenured support staff member has requested in writing and received a written statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, the nontenured support staff member may request in writing an informal appearance before the Board. The written request shall be submitted to the Board within ten calendar days of the nontenured support staff member's receipt of the Board's statement of reasons
2. The informal appearance shall be scheduled within thirty calendar days from the nontenured support staff member's receipt of the Board's statement of reasons.
3. The Board will exercise discretion in determining a reasonable length of time for the proceeding; depending upon each instance's specific circumstances.
4. The proceeding of an informal appearance before the Board may be conducted in executive session pursuant to N.J.A.C. 10:4-12(b)(8). If conducted in executive session notice must be given in accordance with N.J.S.A. 10:4-13.
5. The Board shall provide the nontenured support staff member adequate written notice regarding the date and time of the informal appearance.
6. The nontenured support staff member's appearance before the Board shall not be an adversary proceeding. The purpose of the appearance shall be to provide the nontenured support staff member the opportunity to convince Board of Education members to offer reemployment.
7. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding.
8. The nontenured support staff member may be represented by an attorney or by one individual of his/her choosing. The nontenured support staff member may present, on his or her behalf, witnesses do not need to present testimony under



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oath, and shall not be cross-examined by the Board. Witnesses shall be called one at a time into the meeting to address the Board and shall be excused from the meeting after making their statements.

#### G. Final Determination

1. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured support staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment of the nontenured support staff member to the voting members of the Board. If the Superintendent recommends the nontenured teaching staff member for reemployment, the voting members of the Board must, by a majority vote of the full Board at a public session, approve or not approve the reemployment.
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.
3. Within three working days following the informal appearance, the Board shall notify the affected nontenured support staff member, in writing, of its final determination. The Board may delegate notification of its final determination to the Superintendent or Board Secretary.