

REGULATION GUIDE

TEACHING STAFF MEMBERS

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Nonrenewal of Nontenured Teaching Staff Member

May 21

[See POLICY ALERT Nos. 166, 175, 201 and 223]

R 3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

A. Evaluations

1. Each nontenured teaching staff member shall be evaluated in strict compliance with ~~statute~~, N.J.S.A. 18A:27-3.1, ~~rules of the State Board of Education~~, N.J.A.C. 6A:10-1.1 et seq., and the policies and procedures of this district.

B. Nonrenewal Recommendation

1. When a nontenured teaching staff member's performance does not meet the standards of the **school** district, **employment will not be offered to the nontenured teaching staff member for the succeeding** ~~Principal or the nontenured teacher's immediate supervisor shall recommend to the Superintendent that the teaching staff member should not be reemployed in the following school year.~~
2. **On or before May 15 of each year, each nontenured teaching staff member continuously employed by a Board of Education since the preceding September 30 shall receive a written notice from the Superintendent that such employment will not be offered if the Superintendent recommends the nontenured teaching staff member not be renewed** ~~The nontenured teaching 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 teaching staff member on or before May 15.~~
3. A recommendation by the Superintendent **to not renew for nonrenewal a nontenured teaching staff member's contract for the succeeding school year** may be based upon the nontenured teaching staff member's **observations**, evaluations, job performance, or any factor affecting his/her employment in **the this school** district.



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4. ~~A n~~Nontenured teaching staff members² **employment** contracts can ~~only~~ be renewed **only** upon the Superintendent's recommendation and a **recorded roll call** majority vote of the full **membership of the Board**. The Board **shall** ~~may~~ not withhold its approval for arbitrary and capricious reasons.
- C. Nonrenewal Action
1. **Prior to notifying the nontenured teaching staff member of the nonrenewal, the Superintendent shall notify the Board of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation.** ~~The Superintendent will notify Board members of the recommendation not to renew a nontenured teaching staff member's contract before notifying the nontenured teaching staff member of the recommendation to not renew.~~ The Superintendent may notify the Board members of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation in a written notice to the Board prior to May 15. ~~In or in~~ **the alternative, the Superintendent may notify the Board members of the recommendation not to renew a nontenured teaching staff member in an executive session. Using this option** **If notification is provided to the Board in executive session**, the Superintendent and the Board will meet in executive session prior to May 15 to review the Superintendent's recommendation(s) ~~for nonrenewal of nontenured teaching staff members.~~
 - 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 teaching staff members whose possible nonrenewal will be discussed at the meeting. If any such **nontenured teaching staff member** ~~employee~~ requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation(s) and will be scheduled for discussion at a public meeting prior to May 15.



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2. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed not renewed. A **Board's of Education** vote is not required on the Superintendent's recommendation(s) to not renew a nontenured teaching staff member's contract.
- D. Notice of Nonrenewal
1. ~~Notice of the Superintendent's decision not to renew shall be given to each nontenured teaching staff member not recommended for renewal on or before May 15 in accordance with N.J.S.A. 18A:27-10. The Board may delegate the Superintendent or the Board Secretary to give the written notice of nonrenewal.~~
 12. The nonrenewal notice shall be ~~in writing and~~ provided to the nontenured teaching staff member not recommended for renewal **by the Superintendent** 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 teaching staff member's address of record.
- E. Request for Statement of Reasons
1. **Any nontenured teaching staff member receiving notice that a teaching 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 non-employment which shall be given to the nontenured teaching staff member in writing within thirty calendar days after the receipt of such request. A nonrenewed teaching staff member will be given a written statement of the reasons for which he/she was not renewed provided the teaching staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the teaching staff member received written notice of his/her nonrenewal. N.J.S.A. 18A:27-3.2.**



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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 employee's teaching staff member's observations and** evaluations and the **nontenured teaching staff member** employee has been given a copy of those **observations and** evaluations, the statement of reasons may incorporate the **observations and** evaluations by reference.
 3. The **written** statement of reasons will be prepared by the Superintendent ~~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. **Whenever the nontenured teaching 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 teaching 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 teaching staff member's receipt of the Board's statement of reasons. A teaching staff member who has requested a statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, 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 nontenured teaching staff member's receipt of the written statement of reasons. N.J.A.C. 6A:10-8.1(a).**
 2. **The A date for the informal appearance shall be scheduled within thirty calendar days from the nontenured teaching staff member'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.**



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3. The Board will **exercise discretion in determining** ~~determine~~ a reasonable length of time **for the proceeding** ~~to be devoted to the appearance~~, 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.S.A. 10:4-12(b)(8). **If conducted in executive session, notice must be given in accordance with N.J.S.A. 10:4-13.**
53. **The Board shall provide the nontenured teaching staff member adequate written notice regarding the date and time of the informal appearance.** ~~The teaching staff member requesting the appearance shall be given written notice, no later than forty eight hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.~~
64. **The nontenured teaching staff member's appearance before the Board shall not be an adversary proceeding. The purpose of the appearance shall be to provide the nontenured teaching staff member the opportunity to convince Board of Education members to offer reemployment.** ~~The purpose of the appearance shall be to permit the nonrenewed teaching 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 teaching 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.~~
7. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding ~~and the appearance shall not be an adversary proceeding.~~
85. The **nontenured** teaching staff member may be represented by an attorney or by one individual of his/her choosing. ~~He/She~~ **The nontenured teaching staff member may present, on his or her behalf, witnesses to testify on his/her behalf. Witnesses who do**



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not need to present testimony under oath and ~~their statements may be recorded. The~~ **shall not be cross-examined by the Board** ~~will hear witnesses and shall not cross-examine them.~~ Witnesses **shall** ~~will~~ be called **one at a time** 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 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 nontenured teaching staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment of the nontenured teaching staff member 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. 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 Superintendent's recommendation for reemployment.~~
A nontenured 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 nontenured teaching staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment of the **nontenured teaching staff member** 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.~~ **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 Superintendent's recommendation for 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** teaching 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 teaching staff member, in writing, of its final determination. The Board may delegate notification of its final determination to the Superintendent or Board Secretary. The final determination will be delivered to the teaching staff member, in writing, no later than three days following the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.**

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