

REGULATION GUIDE

SUPPORT STAFF MEMBERS

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Nonrenewal of Nontenured Support Staff Member

May 21

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

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's immediate supervisor for the next succeeding** ~~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 **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 for nonrenewal** may be based upon the nontenured support staff member's evaluations, job performance, or any factor affecting his/her employment in **the school** ~~this~~ district.



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4. A nontenured support staff member contract can ~~only~~ be renewed **only** upon the Superintendent's recommendation and a 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 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 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 **support** ~~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 **in accordance with the timelines and terms of any applicable collective bargaining agreement, individual contract, or any other agreement between parties** ~~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 support staff members whose possible nonrenewal will be discussed at the meeting. If any such **nontenured support staff member** ~~employee~~ 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.



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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.**
 32. 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. Notice of the Superintendent's decision not to renew shall be given to 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. 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 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. A nonrenewed support staff member will be given a written statement of the reasons for which he/she was not renewed**



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~~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 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 **nontenured support staff member's** ~~employee's~~ evaluations and the **nontenured support staff member** ~~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 **nontenured support staff member** ~~employee~~ who requested **the statement of reasons** ~~it~~ within thirty calendar days after the receipt of the **nontenured support staff member's** ~~employee'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** ~~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 the written statement of reasons.~~
 2. ~~A date for the~~ **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. 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.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.**
53. **The Board shall provide the nontenured support staff member adequate written notice regarding the date and time of the informal appearance.** ~~The support 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 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.** ~~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.~~
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** support staff member may be represented by an attorney or by one individual of his/her choosing. ~~He/She~~ **The nontenured support 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 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. 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. 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 reemployment.~~
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. 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. 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 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. The final determination will be delivered to the nontenured support 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.~~
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. The final determination will be delivered to the nontenured support 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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