

4146 NONRENEWAL OF NON-TENURED SUPPORT STAFF MEMBER

The Board will renew the employment contract of a non-tenured 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 non-tenured support staff member who is not recommended for renewal by the Superintendent is deemed non-renewed.

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

The Superintendent shall provide written notification to each non-tenured 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 non-tenured 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 non-employment which shall be given to the non-tenured support staff member in writing within thirty calendar days after the receipt of such request.

Whenever a non-tenured 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 non-tenured 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 non-tenured support staff member's receipt of the Board's statement of reasons. The informal appearance shall be scheduled within thirty calendar days from the non-tenured support staff member's receipt of the Board's statement of reasons.

The Board is not required to offer reemployment or vote on reemployment after an informal appearance with a non-tenured 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 non-tenured 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 non-tenured 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

Adopted: 28 November 2012

Revised: 28 January 2014

25 August 2021