

REGULATION

BOARD OF EDUCATION FRANKLIN BOROUGH

TEACHING STAFF MEMBERS
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Conduct of Reduction in Force

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. 6:3-4.1 et seq., and the policies and procedures of this district. At least three evaluations shall be conducted annually and at least one evaluation shall be conducted in each semester.
2. Evaluations shall candidly and honestly set forth both the strengths and weaknesses of the teaching staff member in order to provide an accurate assessment of his or her performance and to encourage the improvement of that performance.
3. Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured teaching staff members in the improvement of professional skills.

B. Nonrenewal Recommendation

1. When a nontenured teaching staff member fails to improve his or her performance in accordance with evaluations or, in the opinion of the principal, his or her continued employment will not serve the best interests of the school district, the principal shall recommend to the Superintendent, no later than March 15, that the teaching staff member should not be reemployed in the following school year.
2. The teaching staff member shall be informed of the nonrenewal recommendation and may be requested to discuss the recommendation with the Superintendent.
3. A recommendation by the Superintendent for nonrenewal may be based upon the teaching staff member's evaluation, job performance, or any factor affecting his or her employment in this district. Nonrenewal shall not be recommended for any reasons that are trivial and insubstantial; unsupported by facts; based upon the teaching staff member's race, color, age, gender, creed, religion, ancestry, or disability, if any; or is based upon teaching staff member's exercise of his or her protected right of free expression and association. Expressions or associations that interfere with the operation of the district may not rise to the level of protected activity.
4. Nontenured teaching staff members' contracts can only 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.

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C. Nonrenewal Action

1. The Board will meet in executive session no later than May 10 to review the Superintendent's recommendation(s) for the reemployment of nontenured teaching 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 2 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 10:30 P.M.
2. The minutes of the executive session shall record the Superintendent's recommendation(s) for nonrenewal of nontenured staff members and a summary of the reasons for each nonrenewal.
3. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board's vote is not required on the Superintendent's recommendation(s) to not renew a nontenured staff member.

D. Notice of Nonrenewal

1. Notice of the decision not to renew shall be given to each affected teaching staff member no later than May 15 in accordance with N.J.S.A. 18A:27-10. The Board may delegate the Superintendent or the Board Secretary to give notice of nonrenewal.
2. Notice shall be in writing, and every effort shall be made to place the notice in the employee's hands by 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 employee's address of record.

E. Request for Statement of Reasons

1. A nonrenewed teaching 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 calendar days after the teaching staff member has received notice of his or her nonrenewal, N.J.S.A. 18A:27-3.2.
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 employee's evaluations and the employee has

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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 employee who requested it within thirty calendar days of the receipt of the employees' request.

F. Nonrenewal Appearance

1. A teaching 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 calendar days after he or she has received the written statement of reasons, N.J.A.C. 6:3-4.2(a).
2. A date shall be set for an informal appearance, which shall be held within thirty 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, N.J.A.C. 6:3-4.2.
3. The teaching staff member requesting the appearance shall be given written notice, no later than 2 days in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.
4. 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. 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.
5. The teaching 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 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.

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G. Final Determination

1. After the appearance before the Board, the Superintendent will 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 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.
2. The Board's final determination will be delivered to the teaching staff member, in writing, no later than three school days after the informal appearance. The Board may delegate the Superintendent to deliver the final determination.

Date Adopted: 12/18/97