

REGULATION

MONTGOMERY TOWNSHIP BOARD OF EDUCATION

TEACHING STAFF MEMBERS

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NON-RENEWAL OF NON-TENURED TEACHING STAFF MEMBER

R 3142 NON-RENEWAL OF NON-TENURED TEACHING STAFF MEMBER

A. Evaluations

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

B. Nonrenewal Recommendation

1. When a non-tenured teaching staff member's performance does not meet the standards of the school district, employment will not be offered to the non-tenured teaching staff member for the succeeding school year.
2. On or before May 15 of each year, each non-tenured 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 non-tenured teaching staff member not be renewed.
3. A recommendation by the Superintendent to not renew a non-tenured teaching staff member's contract for the succeeding school year may be based upon the non-tenured teaching staff member's observations, evaluations, job performance, or any factor affecting his/her employment in the school district.
4. A non-tenured teaching staff member's employment contract can 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 not withhold its approval for arbitrary and capricious reasons.

C. Nonrenewal Action

1. Prior to notifying the non-tenured teaching staff member of the nonrenewal, the Superintendent shall notify the Board of the recommendation not to renew the non-tenured teaching staff member's contract and the reasons for the recommendation. The Superintendent may notify the Board members of the recommendation not to renew the non-tenured teaching staff member's contract and the reasons for the recommendation in a written notice to the Board prior to May 15 or in the alternative, in executive session. If notification



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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).

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 non-tenured teaching staff members whose possible nonrenewal will be discussed at the meeting. If any such non-tenured teaching staff member 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.

2. A non-tenured teaching 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 non-tenured teaching staff member's contract.

D. Notice of Nonrenewal

1. The nonrenewal notice shall be provided in writing to the non-tenured 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 non-tenured teaching staff member's address of record.

E. Request for Statement of Reasons

1. Any non-tenured 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 non-tenured teaching staff member in writing within thirty calendar days after the receipt of such request.

2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the non-renewal. Where the nonrenewal is based on performance deficiencies recorded in the non-tenured teaching staff member's observations and evaluations and the non-tenured teaching staff member has been given a copy of those observations and



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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.

F. Non-renewal Appearance

1. Whenever the non-tenured 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 non-tenured 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 non-tenured teaching staff member's receipt of the District's statement of reasons.
2. The informal appearance shall be scheduled within thirty calendar days from the non-tenured teaching 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.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.
5. The Board shall provide the non-tenured teaching staff member adequate written notice regarding the date and time of the informal appearance.
6. The non-tenured teaching staff member's appearance before the Board shall not be an adversary proceeding. The purpose of the appearance shall be to provide the non-tenured teaching staff member the opportunity to appeal to the Board of Education members to offer re-employment.
7. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding.
8. The non-tenured teaching staff member may be represented by an attorney or by one individual of their choosing. The non-tenured teaching staff member may present, on their behalf, witnesses who do not need to present testimony under oath and, with the consent of the staff member, may be asked questions



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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 non-tenured teaching staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment of the non-tenured teaching staff member to the voting members of the Board. If the Superintendent recommends the non-tenured 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 non-tenured 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 non-tenured teaching staff member, in writing, of its final determination. The Board may delegate notification of its final determination to the Superintendent or Board Secretary.

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