

BYLAW GUIDE

BYLAWS

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Bylaws, ~~and~~ Policies, **and Regulations**

May 21

[See POLICY ALERT No. 223]

0131 BYLAWS, ~~AND~~ POLICIES, AND REGULATIONS

The Board of Education shall exercise its rule-making power by adopting, **revising, and abolishing** bylaws, ~~and~~ policies, **and regulations** for the organization and operation of the school district.

“Regulations” for the purpose of this Bylaw are only those regulations that are required to be adopted by the Board.

Adoption, Amendment, and **Abolishment** ~~Repeal~~

Bylaws, ~~and~~ policies, **and regulations** may be adopted; **and revised** ~~amended, and repealed~~ at any meeting of the Board, provided the proposed adoption; **or revision** ~~amendment, or repeal~~ has been ~~proposed and approved by the Board~~ at a previous meeting of the Board.

Bylaws, policies, or regulations may be abolished at any meeting of the Board

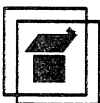
[Option – Select one Option Below

☐ provided the proposed abolishing of the proposed bylaw, policy, or regulation has been approved by the Board at a previous meeting of the Board.

☒ with prior review of an appropriate Board committee, but without the proposed abolishing of the proposed bylaw, policy, or regulation being approved by the Board at a previous meeting of the Board.]

~~Optional~~

{The Board ~~shall may~~ at its organization meeting **or annually at a meeting of the Board** and by a majority vote of those present and voting, readopt existing bylaws, ~~and~~ policies, **and regulations** without prior notice.}



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Bylaws, ~~and~~ Policies, **and Regulations**

The Board may, under emergency circumstances, suspend the operation of a bylaw, ~~or~~ policy, **or regulation** and adopt, ~~revise~~ **amend**, or ~~abolish~~ **repeat** a bylaw, ~~or~~ policy, **or regulation** without prior notice. The emergency adoption, ~~revision~~ **amendment**, or ~~abolishment~~ **repeat** of a bylaw, ~~or~~ policy, **or regulation** shall terminate at the next meeting of the Board or at such earlier date as may be specified by the Board unless further acted upon by the Board **in accordance with this Bylaw**.

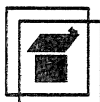
The adoption, ~~revision~~ **amendment**, ~~abolishment~~ **repeat**, or suspension of a bylaw, ~~or~~ policy, **or regulation** shall be recorded in the minutes of the Board. Any **bylaw**, policy, **or regulation** or part of a **bylaw**, policy, **or regulation** that is superseded by a term in a negotiated agreement or by a subsequently adopted **bylaw**, policy, **or regulation** shall no longer be in force and effect as a **bylaw**, policy, **or regulation** and shall be **abolished by the Board in accordance with this Bylaw**.

Promulgation and Distribution

~~A~~ **The** manual of bylaws, ~~and~~ policies, **and regulations** shall be maintained. A copy of the manual of bylaws, ~~and~~ policies, **and regulations** shall be **available and accessible** ~~given~~ to each Board member, the Superintendent, the **School Business Administrator**/Board Secretary, the Board Attorney, each Building Principal, and other individuals designated by the Superintendent.

The **Superintendent** _____ shall institute a plan for the orderly promulgation of policies to staff members who are affected by them and shall provide staff members with access to an up-to-date manual of Board bylaws, ~~and~~ policies, **and regulations**.

~~Each copy of the manual of bylaws and policies shall be numbered; a record of the placement of each manual shall be maintained by the _____.~~ Copies of revised pages will be furnished to the holders of manuals as changes are made



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~~to bylaws and policies. The holder of a policy manual shall return the manual to the Board Secretary upon the termination of his/her service to the district.~~

The manual of bylaws, ~~and~~ policies, **and regulations** shall be considered a public record open to inspection in the office of the Superintendent. The manual retained by the Superintendent shall be considered the master copy of the ~~policy~~ manual ~~and shall not be modified by any person other than the _____ or his/her designee.~~

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Bylaws, ~~and~~ Policies, **and Regulations**

Consideration ~~Development~~ of Bylaws, ~~and~~ Policies, **and Regulations**

Bylaws, ~~and~~ policies, **and regulations** will be ~~developed and~~ considered **for adoption** by the Board in accordance with the following procedure:

1. A **recommendation for a new or revised bylaw, or policy, or regulation shall may be recommended suggested** to the Board **and/or Superintendent by any Board member, the Superintendent, any staff member, or a member of the public;**
2. A **recommendation suggestion** for a new or revised bylaw, or policy, **or regulation** may be referred, at the discretion of the **Board** President and as appropriate to the subject, to the Superintendent, a Board committee, or a public advisory committee for study and formulation of a recommendation to the Board. Any study of a **new or revised recommended bylaw, policy, or regulation suggestion will should** consider whether the matter is adequately addressed in existing Board **bylaw, policy, or regulation and whether the matter is more appropriately addressed by administrative regulation;**
3. If a recommendation for a new or revised bylaw, or policy, **or regulation** results from referral for study, a proposed draft will be **referred to the Superintendent and at the discretion of the Board President and as appropriate to the subject, to a Board committee submitted to the Board for discussion and approval on first reading. Copies of the proposed draft will be made available to staff members and the public, and comment will be invited.**



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~~Changes in the draft may be made, by a simple majority vote, when the draft is presented for approval on first reading;~~

4. All proposed new and revised bylaws, policies, and regulations shall be submitted to the Superintendent. The Superintendent or designee will review all new and revised draft bylaws, policies, and regulations prior to the Board receiving a draft of new or revised bylaws, policies, or regulations for Board consideration;

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54. The proposed draft; **bylaw, policy, or regulation** approved by the **Board** on first reading; will be submitted for adoption at ~~a the next~~ **succeeding regular** meeting of the Board. **Revisions** ~~Changes~~ in the draft may be made **at any meeting prior to adoption** by a simple majority vote **of the Board**. A **revision at any succeeding meeting change** that alters the substantive meaning of the draft will constitute a new first reading, and the draft must be presented for adoption at ~~a the next~~ succeeding Board meeting. A change that is merely editorial may be followed by a vote to adopt the new or revised bylaw, ~~or~~ policy, **or regulation** on second reading.

N.J.S.A. 18A:11-1



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Adopted: _____



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TEACHING STAFF MEMBERS

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Nonrenewal of Nontenured Teaching Staff Member

May 21

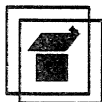
[See POLICY ALERT Nos. 166, 175, 201 and 223]

3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

The Board of Education recognizes its obligation to employ only those staff members best trained and equipped to meet the educational needs of the students of this district. The Board shall discharge that obligation by retaining in service only those nontenured teaching staff members who meet those standards. The Board will renew the employment contract of a **nontenured** teaching 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 shall not withhold its approval for arbitrary and capricious reasons. A nontenured teaching staff member who is not recommended for renewal by the Superintendent is deemed nonrenewed.

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

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 Superintendent shall notify each nontenured teaching staff member to whom reemployment will not be offered of such nonrenewal in writing on or before May 15. Any nontenured teaching staff member receiving who received written notice that a teaching~~



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contract **for the succeeding school year** will not be offered may, within fifteen ~~calendar days of receiving such notification thereafter~~, request in writing

TEACHING STAFF MEMBERS

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Nonrenewal of Nontenured Teaching Staff Member

a statement of the reasons for ~~nonrenewal~~ **such non-employment which shall be given to the nontenured staff member in writing within thirty calendar days after the receipt of such request** ~~The Superintendent will provide a written statement of reasons within thirty days after the receipt of any such request.~~

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** ~~shall have the right to~~ 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. 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 to permit the staff member an opportunity to convince the members of the Board to offer reemployment. The staff member must request the appearance before the Board within ten calendar days of the nontenured teaching staff member's receipt of the statement of reasons. The informal appearance before the Board shall be held in accordance with the provisions of N.J.A.C. 6A:10-8.1.~~

The Board is not required to offer reemployment or vote on reemployment after an informal appearance with a nontenured teaching 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 nontenured teaching staff member reemployment after the informal appearance before the Board. **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 nontenured teaching staff member will be notified of the Board's final determination within three days following the informal appearance before the Board.~~

N.J.S.A. 18A:27-3.1; 18A:27-3.2; 18A:27-4.1; 18A:27-10 et seq.



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N.J.A.C. 6A:10-~~98~~.1

Adopted:



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SUPPORT STAFF MEMBERS

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Nonrenewal of Nontenured Support Staff Member

May 21

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

4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

The Board will renew the employment contract of a nontenured 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 nontenured support staff member who is not recommended for renewal by the Superintendent is deemed nonrenewed.

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

The Superintendent shall **provide written notification to** ~~notify~~ each nontenured support staff member to whom reemployment will not be offered ~~in writing~~ 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.



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SUPPORT STAFF MEMBERS

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Nonrenewal of Nontenured Support Staff Member

Any nontenured 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 nonemployment which shall be ~~whose contract is not renewed shall have the right to a written statement of the reasons for nonrenewal, provided the request for the statement of reasons is made within fifteen days of the Superintendent's written notification of nonrenewal to the support staff member. The statement of reasons shall be provided given to the~~ **a nontenured support staff member in writing within thirty calendar days after the receipt of such the request.**

Whenever a 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** ~~shall have the right to 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. 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 to permit the support staff member an opportunity to convince the members of the Board to offer reemployment, provided that a request for such an appearance is received within ten days after the support staff member receives the statement of reasons provided by the Superintendent. The informal appearance before the Board shall be held in accordance with the provisions of N.J.A.C. 6A:10-8.1.~~

The Board is not required to offer reemployment or vote on reemployment after an informal appearance with a nontenured 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 nontenured 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 nontenured support staff member, in writing, of its final determination.** ~~The support staff member will be notified of the Board's final~~



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~~determination within three days following the informal appearance before the Board.~~

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Nonrenewal of Nontenured Support Staff Member

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



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Adopted:

