

Policy

CREATING/ABOLISHING A POSITION/REDUCTION IN FORCE

Creating Positions

The Passaic Board of Education recognizes the importance of designating positions which, when filled with competent, qualified staff members, help promote excellence in student achievement of the New Jersey Student Learning Standards. The board shall consider creating positions that improve the efficient and effective operation of the district schools.

The board shall create new positions and specify the number of persons who may be employed within each position. The board shall exercise its discretion in the creation and abolishment of positions, and consider:

- A. The requirements of law;
- B. Its responsibility to the community for the judicious allocation of district resources;
- C. The number and needs of the students enrolled in the schools of this district, and the impact the number or kind of positions will have on student achievement;
- D. The administrative and supervisory organization of the district;
- E. Other circumstances determined by the board or administration that constitute good cause for altering the number or kind of positions to be filled.

The superintendent shall recommend to the board for its deliberation the creation of new positions

Reduction in Force/Abolishing a Position

The Passaic Board of Education has the right under state law to abolish unilaterally any existing position in whole or in part and to reduce the number of employees in any category for reasons of economy, reduction in the number of students, change in the administrative or supervisory organization, change in the educational program or other good cause.

Should it become necessary to reduce the number of employees in the district, the laws and regulations of the state shall be the controlling guides. If, in the case of such reduction, candidates for termination are nontenured personnel only, the primary basis for selection for termination or reduction shall be the needs of the district's educational program and the individual's contribution toward achievement of that program based on properly completed observations and evaluations.

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If, in the case of such reduction, candidates for termination or reduction in grade are tenured in this district, the state regulations regarding seniority shall be the primary basis for decision. In the event that there should be equal applicable seniority among staff members, the decision for reduction or termination shall be based on the needs of the district's educational program and the individual's contribution toward achievement of that program based on properly completed observations and evaluations.

In no case shall any choice be based on arbitrary, capricious or discriminatory reasons.

The superintendent shall prepare guidelines for restructuring positions and for determining objectively which employees are to be dismissed as a result, and shall present his/her recommendations to the board for action.

First Reading: November 3, 2016
 Second Reading: November 21, 2016
 Adopted: November 21, 2016

Key Words

RIF, Reduction in Force, Abolishing a Position, Creating a Position, Nontenured Teachers

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:28-5	Tenure of teaching staff members
	<u>N.J.S.A.</u> 18A:28-9	Reduction of force; power to reduce and reasons for reduction
	<u>N.J.S.A.</u> 18A:28-10	Reasons for dismissals of persons under tenure on account of reduction
	<u>N.J.S.A.</u> 18A:28-11	Seniority; board to determine; notice and advisory opinion
	<u>N.J.S.A.</u> 18A:28-12	Dismissal of persons having tenure on reduction; reemployment
	<u>N.J.A.C.</u> 6A:9-5.5	Assignment of titles
	<u>N.J.A.C.</u> 6A:32-5.1	Standards for determining seniority
	<u>Dennery v. Passaic County Regional High School District Bd. of Ed.</u> , 131 <u>N.J.</u> 626 (1993)	
	<u>Primka v. Edison</u> , 93 <u>NJAR</u> 2d (EDU) 91 aff'd State Board 93 <u>NJAR</u> 2d (EDU) 94 aff'd App. Div. unpub. Op. Dkt. No. A-2427-92T3 Jan. 18, 1994	
	<u>Impey v. Board of Education of Shrewsbury</u> , 142 <u>N.J.</u> 388 (1995)	
	<u>Taxman v. Piscataway Bd. of Ed.</u> , 91 <u>F. 3d</u> 1542 (3d Cir. 1996)	

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Possible

<u>Cross References:</u>	*2131	Superintendent of schools
	*4116	Evaluation of teaching staff members
	*4117.41	Nonrenewal
	*4217	Evaluation of support staff members

*Indicates policy is included in the Critical Policy Reference Manual.