



Paterson Education Association  
Strong, United, and Ready to  
Fight

***Non-  
Tenure Staff  
Renewal  
Process April,***

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***2021***

## ***Non-tenure Teacher Notification***

### **What does the law say?**

#### ***18A:27-10 Offer of employment for next succeeding year or notice of termination on or before May 15***

On or before May 15 in each year, every board of education in this State shall give to each nontenure teaching staff member continuously employed by it since the preceding September 30 either:

a) A written offer of a contract for employment for the succeeding year providing for at least the same terms and conditions of employment but with such increases in salary as may be required by law or policies of the board of education, or

b) A written notice that such employment will not be offered.

#### ***18A:27-11 Failure to give timely notice of termination or offer of employment***

Should any board of education fail to give to any nontenure teaching staff member either an offer of contract for employment for the next succeeding year or notice that such employment will not be offered all within the time and in the manner provided by this act, then said board of education shall be deemed to have offered to that teaching staff member continued employment for the next succeeding school year upon the same terms and conditions of employment but with such increases in salary as may be required by law or policies of the board of education.

#### ***18A:27-12 Notice of acceptance; deadline***

If the teaching staff member desires to accept such employment he shall notify the board of education of such acceptance, in writing, on or before June 1, in which event such employment shall continue as provided for herein. In the absence of such notice of acceptance the provisions of this article shall no longer be applicable. However, the board could still terminate the employee by giving 60 days notice by June 1.

- ▶ ***NOTICE OF EMPLOYMENT STATUS – Appendix A***
- ▶ ***REQUEST FOR SPECIFIC REASONS FOR NON-RENEWAL – Appendix B***

## ***Non-renewal of Teachers***

### ***18A:27-3.2 Statement of reasons for nonrenewal***

2. Any teaching staff member receiving notice that a teaching contract for the succeeding school year will not be offered may, within 15 days thereafter, request in writing a statement of the reasons for such reemployment which shall be given to the teaching staff member in writing within 30 days after the receipt of such request.

- ▶ ***Letter requesting the specific reasons for nonrenewal –***

### ***Appendix B NJAC 6A:10-9.1 Request for informal hearing***

Within 10 calendar days of receipt of written statement of reasons teaching staff member can make a written request to the board of education for an informal appearance before the board. (*Donaldson Hearing*)

- ▶ ***Letter requesting Donaldson Hearing – Appendix C***

Within thirty calendar days of receipt of the teaching staff member's requested state of reasons, the Board must schedule an informal appearance for the staff member.

### ***NJAC 6A:10-9.1 Board's Final Determination***

Within three days of the informal appearance, the Board must notify the affected teaching staff member in writing of its final determination.

#### ***Please Note:***

P.E.A. asks that staff members only send the letters described in this document when the appropriate steps in the process have been reached. We cannot supply assistance if staff members take these steps into their own hands and fail to follow the guidelines.

## ***Donaldson Hearing Preparation –***

***This document is for employees wishing to challenge the non-renewal.***

From today on, the non-renewed non-tenured staff member should be gathering information which might be needed for the *Donaldson* hearing. These materials include:

- ☐ all observation reports and performance evaluations for this year;
- ☐ all observation reports and performance evaluations for past years in Paterson;
- ☐ any letters of reprimand received;
- ☐ any rebuttal statements submitted;
- ☐ any letters of commendation received;
- ☐ attendance record for this year. NOTE: If absences are listed as a cause for non-renewal, the reasons for the absences, especially for multiple day absences, should be provided.
- ☐ attendance records for any other years employed in Paterson,
- ☐ participation in extra assignments – coaching, clubs, etc.
- ☐ involvement in community programs
- ☐ professional development activities: courses taken, seminars attended which show professional improvement since joining the district, especially if the activities were aimed at correcting poor ratings which showed improvement.
- ☐ thoughts about the reason(s) the administrator recommended the non-renewal (What caused him/her to do this?)
- ☐ any other information which might have an affect on the appeal.
- ☐ names of staff members who have observed the non-tenured staff member at the work assignment and might be willing to speak on his/her behalf.

## ***Fight ... or Resign?***

There are times when a non-tenured staff member whose contract has not been renewed may not wish to fight the non-renewal. In these cases, the staff member may be concerned that the non-renewal will “follow” him/her in the next assignment. If this is the case, and the staff member does not wish to fight the non-renewal, this option may be available.

The staff member should notify P.E.A. immediately of this choice, so we can try to work on this option.

### Delegate Responsibilities

The Association Delegate has several roles to play in this process. They include:

- ☐ Assist the non-tenured teacher in following the process
- ☐ Help in gathering information
- ☐ Support the non-tenured teacher; hand holding is important

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## ***Other Information***

### ***18A: 25-7 Your Weingarten Rights: re: Meeting Which Could Adversely Affect Your Employment***

Whenever any teaching staff member is required to appear before the board of education or any committee or member thereof concerning any matter which could adversely affect the continuation of that teaching staff member in his office, position or employment or the salary or any increments pertaining thereof; then he shall be given prior written notice of the reasons for such meeting or interview and shall be entitled to a person of his own choosing present to advise and represent him during such meeting or interview.

### ***18A:27-3.1 Non-tenured teaching staff; observation and evaluation; conference; purpose***

1. Every board of education in this state shall cause each nontenured teaching staff member employed by it to be observed and evaluated in the performance of her or his duties at least three times during each school year but not less than once each semester. Said evaluations are to take place before April 30 each year. The evaluations may cover that period between April 30 of the succeeding year excepting in the case of the first year of employment where the three evaluations must have been completed prior to April 30. The number of required observations and evaluations may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year. Each evaluation shall be followed by a conference between that teaching staff member and his or her superior or superiors. The purpose of this procedure is to recommend as to re-employment, identify any deficiencies, and extend assistance for their correction and improved professional competence.

### ***Important timelines regarding non-renewal***

N.J.S.A. 18A:27-3.2 requires that nontenured teaching staff members must be notified that their employment contracts have not been renewed.

- Within ten (10) calendar days of receipt of written statement of reasons
  - Teaching staff member can make a written request to the board for an informal appearance before the board (*Donaldson hearing*).
- Within thirty (30) calendar days of receipt of the teaching staff member's requested statement of reasons
  - Board must schedule an informal appearance (*Donaldson hearing*).
- Within three (3) days of informal appearance
  - Board must notify the affected teaching staff member in writing of its final determination

***NJAC 6A:10-9.1 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of notice of non-reemployment***

(a) Whenever a nontenured teaching staff member has requested in writing and has received a written statement of reasons for non-reemployment pursuant to N.J.S.A.18A:27-3.2, he or she may request in writing an informal appearance before the district board of education. Such written request shall be submitted to the board within 10 calendar days of receipt of the board's statement of reasons.

(b) Such an informal appearance shall be scheduled within 30 calendar days from receipt of the district board of education's statement of reasons.

(c) Under the circumstances described in this section, a nontenured teaching staff member's appearance before the district board of education shall not be an adversary proceeding. The purpose of such an appearance shall be to permit the staff member to convince the members of the board to offer reemployment.

(d) Each district board of education shall exercise discretion in determining a reasonable length of time of the proceeding, depending upon the specific circumstances in each instance.

(e) Each district board of education shall provide adequate written notice to the employee regarding the date and time of the informal appearance.

(f) The nontenured teaching staff members may be represented by counsel or one individual of his or her own choosing.

(g) The staff member may present witnesses on his or her behalf. Such witnesses do not need to present testimony under oath and shall not be cross-examined by the district board of education. Witnesses shall be called into the meeting to address the board one at a time and shall be excused from the meeting after making their statements.

(h) The proceeding of an informal appearance before the district board of education as described herein shall be conducted pursuant to N.J.S.A.10:4-12(b)(8).

(i) Within three days following the informal appearance, the district board of education shall notify the affected teaching staff member, in writing, of its final determination. The board may delegate such notification to its chief school administrator or board secretary.

☐ ***Modifications for state-operated districts***

## ***CONTRACTUAL PROVISIONS***

### ***15:1 NOTIFICATION OF CONTINUED EMPLOYMENT***

Non-tenured teaching staff members and instructional assistants shall be notified of continued employment or of non re-employment according to the procedures set forth in N.J.S.A. 18A:27-10 et seq. All other staff members covered by this Agreement shall be so notified sixty (60) calendar days prior to the effective date of non re-employment.

### ***15:2 APPEALS OF TERMINATION***

15:2-1\* Appeals from a decision not to renew the contract of a non-tenured teaching staff member or instructional assistant shall be conducted according to the provisions of the New Jersey Administrative Code 6:3-4.20. To the extent permitted by law, claims of procedural defects in the implementation of said procedures may be submitted to the grievance procedure.

15:2-2 Staff to whom these provisions do not apply under the law and Administrative Code may request in writing a hearing before a hearing officer, or tribunal, established by the District, who shall be granted the authority to confirm the decision to terminate employment or overturn such decision and reinstate said employee.

15:2-3 Said hearing will be held within thirty (30) days of the employee's request.

15:2-4 Within five (5) working days of the hearing, the employee shall be notified in writing of the decision in the matter.

**Appendix - A**  
**P.E.A. Notice of Employment Status**

**Note: This Form must be mailed this year to 90 Delaware. Keep a copy.**

Date: \_\_\_\_\_

Eileen F. Shafer  
State District Superintendent of Schools  
C/o Mr. Luis Rojas, Jr. Director  
Department of Human Resources/Personnel  
Paterson Public Schools  
90 Delaware Avenue  
Paterson, New Jersey  
07505

Dear Ms. Shafer,

In accordance with Chapter 436 of the laws of 1971, I hereby notify you that I accept your offer of employment for the coming school year.

Very Truly Yours,

\_\_\_\_\_  
(Your Signature Here)

*Please Print:*

Your Name : \_\_\_\_\_

Street Address : \_\_\_\_\_

City : \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

School : \_\_\_\_\_

Grade/Assignment : \_\_\_\_\_

***Appendix - B***  
***Request for Specific Reasons for Non-Renewal***

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Eileen F. Shafer  
State District Superintendent of Schools  
Paterson Public Schools  
90 Delaware Avenue  
Paterson, New Jersey 07503

Dear Ms. Shafer,

I am in receipt of communication from the Paterson Public Schools which stated that my employment for the coming school year will not be continued.

As per my rights under N.J.S.A. 18A: 27-3.2, I am requesting that written, specific, and detailed reasons for this action by the Board of Education be forwarded to the above address. I understand that according to the laws of the State of New Jersey, I will receive this information within thirty (30) days of your receipt of this request.

Sincerely,

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***Appendix - C***  
***Request for Donaldson Hearing***

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Date: \_\_\_\_\_

Eileen F. Shafer  
State District Superintendent of Schools  
Paterson Public Schools  
90 Delaware Avenue  
Paterson, New Jersey  
07505

Dear Ms. Shafer,

I am in receipt of your correspondence in which you provide the reasons for my non-reemployment for the coming school year in the Paterson school system. Please be advised that, as per my rights under NJAC 6:3-4.2, I am hereby requesting an informal appearance before the Board of Education. I understand that according to the provisions of the Code I will be offered a hearing within thirty (30) days of the date of receipt of the specific reasons for my non- reemployment, unless another mutually acceptable date is jointly established by the District, myself, and my representative, the Paterson Education Association.

I await the establishment of my hearing and the opportunity to present to you the reasons why the decision to refrain from offering me reemployment for the coming school year should be reversed.

Sincerely,

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