

RICE NOTICE AND NONRENEWAL

Rice Notice

A Rice notice shall be issued to the employee a minimum of 48 hours prior to the scheduled meeting date. Employees directly supervised by the Board of Education (chief school administrator, interim chief school administrator; and in districts with dual control, the business administrator) shall receive the Rice notice from the board president or upon the majority vote of the full Board of Education. Employees supervised by the chief school administrator shall receive the Rice notice from the chief school administrator.

The Board shall ensure that 48 hours prior notice (Rice notice) is given to of any specific prospective public officer or employee or current public officer or employee employed or appointed by the board, when the board schedules a meeting to discuss any matter involving:

- A. Employment;
- B. Appointment;
- C. Termination of employment;
- D. Terms and conditions of employment;
- E. Evaluation of the performance;
- F. Promotion; or
- G. Disciplinary matters.

The Board shall meet in closed session in accordance with N.J.S.A. 10:4-12b(8), unless the employee requests that the discussion be held in open session. In cases where the matter discussed involves multiple employees of the board, the Board shall hold the discussion in closed session unless all employees involved request an open meeting.

Nonrenewal

The Board shall renew the employment contract of a nontenured teaching staff member by a recorded roll call majority vote of the full board only upon the recommendation of the chief school administrator. A nontenured teaching staff member who is not recommended for renewal by the chief school administrator shall be deemed nonrenewed. Written notice of nonrenewal of employment will be sent to the employee by the board secretary. This notice will be given by the date specified by law.

A written request from a nontenured teaching staff member for a written statement of reasons for nonreemployment will be honored by the board of education.

An informal appearance before the board may be requested in writing within 10 calendar days and shall be scheduled within 30 days of receipt of the board's statement of reasons.

It is the board of education's prerogative to determine the date, starting time and length of an informal

NONRENEWAL (continued)

appearance, the purpose of which shall be to permit the staff member a final opportunity to convince the board of education to offer reemployment. Written notice of date and time will be provided to the staff member at least five days prior to the informal appearance.

The nontenured teaching staff member may be represented by counsel or one individual of his/her choosing and may present witnesses on his/her behalf. Those witnesses are not subject to cross-examination by the board of education and will be excused from the hearing after making their statements.

Within three days following the informal appearance, the board of education or its designee will notify the teaching staff member, in writing, of the board's final decision.

Adopted: August 2010

NJSBA Review/Update: December 2015; August 2017

Readopted:

Key Words

Nonrenewal, Nontenured Teachers

<b><u>Legal References:</u></b>	<u>N.J.S.A. 10:4-12</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A. 18A:27-3.1</u>	Non-tenured teaching staff; observation and evaluation; conference; purpose
	<u>N.J.S.A. 18A:27-3.2</u>	Teaching staff member; notice of termination; statement of reasons; request; written answer
	<u>N.J.S.A. 18A:27-4.1</u>	Appointment, transfer, removal, or renewal of officers and employees; exceptions
	<u>N.J.S.A. 18A:27-10 et seq.</u>	Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
	<u>N.J.A.C. 6A:32-4.1 et seq.</u>	Employment of teaching staff
	See particularly:	
	<u>N.J.A.C. 6A:32-4.1(e),-4.1(f)</u>	
	<u>N.J.A.C. 6A:32-4.6</u>	Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of notice of nonreemployment

Donaldson v. North Wildwood Bd. of Ed., 65 N.J. 236 (1974)

Hicks v. Pemberton Township Board of Education, 1975 S.L.D. 332

Velasquez v. Brielle Board of Education, 97 N.J.A.R. 2d (EDU) (August 6), aff'g on different grounds Comm'r 96 N.J.A.R. 2d (EDU) (April 4)

Rice v. Union County Regional High School Board of Education, 1977

**Possible**

<b><u>Cross References:</u></b>	*4115	Supervision
	*4116	Evaluation
	*4117.4	Reduction in force/abolishing a position

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