
REDUCTION IN FORCE/ABOLISHING A POSITION

The 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 pupils, 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.

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 chief school administrator 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.

The establishment and abolishment of teaching positions shall be done so by a recorded roll call majority of the school board. No person shall be dismissed or reduced in compensation if he/she is or shall be under tenure of office, position or employment during good behavior and efficiency in the district. However, for inefficiency, incapacity, unbecoming conduct, or just cause, staff members may be dismissed in accordance with existing rules and regulations. Nothing in this policy shall prohibit the board of education from reducing the number of positions within the district.

It is understood that the Oxford Township Board of Education. In accordance with the provisions of N.J.S.A. 18A:29-14 and the negotiated agreement, may withhold for inefficiency or other good cause, the employment increment, or the adjusted increment, or both, of any teacher, in any year.

The board of education, in an attempt to maintain program continuity and stability, requires that any teaching staff member desiring to relinquish his/her position, give the board of education a written statement of intention. That statement must be received by the board or the chief school administrator sixty (60) days prior to the actual release from the contract. Nothing in this policy will prevent an earlier release of employment, if mutually agreed upon by the employee and the board of education.

Support staff must give 2 week (14 days) notice in writing prior to actual release under this policy.

First Adoption: April 19, 1989
Review/ Update and Adoption: August 16, 2007
Review Date: December 29, 2010 – No Changes
Review Date: January 17, 2012
Review Date: December 28, 2016 – No Changes

Legal References: N.J.S.A. 18A:28-5 Tenure of teaching staff members
N.J.S.A. 18A:28-9 Reduction of force; power to reduce and reasons for reduction
N.J.S.A. 18A:28-10 Reasons for dismissals of persons under tenure on account of reduction
N.J.S.A. 18A:28-11 Seniority; board to determine; notice and advisory opinion
N.J.S.A. 18A:28-12 Dismissal of persons having tenure on reduction; reemployment
N.J.A.C. 6A:9-5.5 Assignment of titles
N.J.A.C. 6A:32-5.1 Standards for determining seniority

Dennery v. Passaic County Regional High School District Bd. of Ed., 131N.J. 626 (1993)

Primka v. Edison, 93 NJAR 2d (EDU) 91 aff'd State Board 93 NJAR 2d (EDU) 94 aff'd App. Div. unpub. Op. Dkt. No. A-2427-92T3 Jan. 18, 1994

Impey v. Board of Education of Shrewsbury, 142 N.J. 388 (1995)

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1542 (3d Cir. 1996)

Possible

Cross References: 2131 Chief school administrator
 4116 Evaluation
 4117.41 Nonrenewal

Key Words

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