

CREATING POSITIONS, REDUCTION IN FORCE/ABOLISHING A POSITION

The Little Silver 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.

Creating Positions

The board shall establish positions as needed, under the recommendation of the superintendent, which when filled by competent, qualified staff will assist the district in achieving the educational goals set by the board. In the exercise of its authority to create new positions, the board shall give primary consideration to the number of students enrolled.

The board reserves the right to:

- A . Create new positions and provide each with a job description clearly descriptive of the duties for which the position was created and provide each with a title that conforms with the appropriate certificate insofar as possible;
- B . Specify the number of persons within each job category.

Reduction in Force and Abolishing a Position

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 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.

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Key Words

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

- 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:9B-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., 131 N.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 Superintendent  
\*4116 Evaluation  
\*4117.41 Nonrenewal

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