

# ASSEMBLY, No. 1911

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Establishes measures to provide employment stability for high school coaches employed in school districts.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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1 **AN ACT** concerning the employment rights of certain public school  
2 employees and supplementing chapter 27 of Title 18A of the  
3 New Jersey Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. a. (1) A head coach of an athletic activity at a public high  
9 school who is also a tenured employee of the school district, or is an  
10 out-of-district employee, shall receive an employment contract with  
11 the board of education for a term of three years for that particular  
12 athletic activity .

13 (2) An assistant coach of an athletic activity at a public high  
14 school who is also a tenured employee of the school district shall  
15 receive an employment contract with the board of education for a  
16 term of two years for that particular athletic activity.

17 b. At the conclusion of the term of the initial contract or of any  
18 subsequent contract, the coach shall be deemed reappointed for  
19 another contracted term unless the board of education notifies the  
20 coach in writing that he will not be reappointed at the end of the  
21 current term, in which event his employment as a coach shall cease  
22 at the expiration of that term, provided that such notification is  
23 given 90 days prior to the expiration of the first or any subsequent  
24 contract.

25  
26 2. a. A coach of an athletic activity at a public high school  
27 shall be dismissed or reduced in compensation during the term of  
28 the coach's contract only for just cause, and may not be dismissed  
29 for arbitrary, capricious, or unlawful reasons.

30 b. A coach of an athletic activity at a public high school who is  
31 dismissed or reduced in compensation shall receive written notice  
32 of the basis for the dismissal or reduction in compensation within  
33 five days after the decision is made by the school district official  
34 but prior to any action being taken by the board of education. In the  
35 case of a coach of an athletic activity at a public high school who is  
36 also a tenured employee of the school district, if the dismissal is  
37 based on a poor annual evaluation, the coach shall be provided one  
38 year in which to correct and overcome any identified deficiencies  
39 with appropriate district support.

40 c. A coach of an athletic activity at a public high school who is  
41 dismissed or reduced in compensation shall be entitled to request in  
42 writing a hearing before the board of education after receiving the  
43 written notice of the basis for the dismissal or reduction in  
44 compensation pursuant to subsection b. of this section. The hearing  
45 shall take place within 10 days of the coach's written request for a  
46 hearing unless a different date is mutually agreed upon. A coach  
47 shall be entitled to representation by counsel, to present witnesses,  
48 and to ask questions and cross examine any of the school district

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1 officials who participated in making the decision on the termination  
2 or reduction in compensation. Any testimony shall be taken under  
3 oath, and the hearing shall take place in executive session with a  
4 court reporter present. The cost of the services of the court reporter  
5 shall be paid by the school district.

6 d. At the regularly scheduled meeting of the board of education  
7 that follows either the receipt by the coach of the written notice of  
8 the basis for dismissal or reduction in compensation pursuant to  
9 subsection b. of this section or, if requested the hearing held  
10 pursuant to subsection c. of this section, as applicable, the board  
11 shall issue a written decision to affirm, reject, or modify the  
12 decision of the school district official who made the determination  
13 on the dismissal or reduction in compensation.

14 e. A decision made by a board of education pursuant to  
15 subsection d. of this section may be appealed to the Commissioner  
16 of Education no later than 90 days following receipt of the board's  
17 written decision. A complaint may be filed with the New Jersey  
18 Division on Civil Rights within 180 days of the occurrence of any  
19 incident based on membership in a protected group as enumerated  
20 in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-  
21 1 et seq.).

22 f. Nothing in this section shall be construed to grant tenure to a  
23 coach of an athletic activity, interfere with the provisions of a  
24 collective bargaining agreement, or affect any other right or remedy  
25 that may be available to a school district or coach of an athletic  
26 activity pursuant to law, either civil or criminal, or create or alter  
27 any tort liability.

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29 3. This act shall take effect immediately and shall first be  
30 applicable to the first full school year following the date of  
31 enactment.

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**STATEMENT**

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36 This bill provides that a head coach of an athletic activity at a  
37 public high school who is also a tenured employee of the school  
38 district or is an out-of-district employee, must receive an  
39 employment contract for a three-year term, and an assistant coach  
40 must receive a two-year contract. At the conclusion of the term of  
41 the contract, the coach will be deemed reappointed for the  
42 appropriate term, unless the board notifies the coach in writing, at  
43 least 90 days before the expiration of the term of the contract, that  
44 he will not be reappointed at the end of the term.

45 The bill also provides that an athletic coach at a public high  
46 school may be dismissed or reduced in compensation during the  
47 term of a contract only for just cause and may not be dismissed for  
48 arbitrary, capricious, or unlawful reasons. In the case of a coach

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1 who is also a tenured employee of the district, the bill provides that  
2 if the coach's dismissal is based on a poor annual evaluation, the  
3 coach must be provided one year in which to correct and overcome  
4 any identified deficiencies with appropriate district support.

5 A coach who is dismissed or reduced in compensation must  
6 receive a written notice for the basis of the action within five days  
7 after the decision is made by a school district official, but prior to  
8 any action being taken by the board of education. The coach will  
9 be entitled to request a hearing after receiving the written notice.  
10 The hearing must take place within 10 days of the coach's request  
11 for the hearing unless a different date is mutually agreed upon. The  
12 coach will be entitled to representation by counsel, to present  
13 witnesses, and to ask questions and cross examine any of the school  
14 district officials who participated in making the decision on  
15 termination or reduction in compensation. The testimony will be  
16 taken under oath, and the hearing will be held in executive session  
17 with a court reporter present. The costs associated with the court  
18 reporter will be paid by the school district.

19 At the regularly scheduled meeting of the board of education that  
20 follows either the receipt by the coach of the written notice of the  
21 basis for dismissal or reduction in compensation, or the hearing if  
22 the coach requests a hearing, the board will issue a written decision  
23 to affirm, reject, or modify the decision of the school district  
24 officials. The decision made by the board may be appealed to the  
25 Commissioner of Education no later than 90 days following receipt  
26 of the board's decision.