SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2843

STATE OF NEW JERSEY

DATED: AUGUST 24, 2020

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2843.

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

The bill also provides that an athletic coach at a public high school may be dismissed or reduced in compensation during the term of a contract only for just cause and may not be dismissed for arbitrary, capricious, or unlawful reasons. In the case of a coach who is also a tenured employee of the district, the bill provides that if the coach's dismissal is based on a poor annual evaluation, the coach must be provided one year in which to correct and overcome any identified deficiencies with appropriate district support.

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

At the regularly scheduled meeting of the board of education that follows either the receipt by the coach of the written notice of the basis for dismissal or reduction in compensation, or the hearing if the coach requests a hearing, the board will issue a written decision to affirm, reject, or modify the decision of the school district officials. The

decision made by the board may be appealed to the Commissioner of Education no later than 90 days following receipt of the board's decision.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.