

Monitored

 X **Mandated**

 X **Other Reasons**

ASSIGNMENT; TRANSFER

The chief school administrator shall make support staff assignments and transfers in the manner best calculated, in his/her judgment, to enhance the educational program.

Teaching, supervisory, administrative, and support personnel are subject to assignment and transfer after recommendation of the chief school administrator and approval by the board of education. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law. Disciplinary transfers are prohibited. Particular attention shall be paid to ensuring to the extent possible that there shall be equivalence of staff among the schools. Discrimination in assignment, transfer and promotion shall not be tolerated. (See file codes 2224, 4211 and 4211.1.)

Date Reviewed: March 13, 2013

Date Adopted: May 8, 2013

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Assignment, Transfer, Assignment and Transfer

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Legal References

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Mandated:

Section 558 requires boards receiving federal funds for supplementary/compensatory educational programs to have written policy ensuring comparability of staffing, equipment and supplies in all schools (or at all levels) of the district.

Other Reasons:

N.J.S.A. 18A:27-4.1 requires that the chief school administrator recommend all employees for appointment and transfer.

N.J.S.A. 34:13A-25 prohibits transfers as a disciplinary measure.

N.J.A.C. 6A:7-1.8 guarantees equal access of qualified persons to all categories of employment and forbids discrimination in assignment and transfer.

The comprehensive equity plan requires that promotions and transfers be monitored to ensure nondiscrimination.

Assignment and transfer of staff is a management prerogative that should be addressed in policy.

Recommendation:

A policy directing the chief school administrator to ensure that all support staff assignments/transfers comply with federal and state requirements. A separate policy should deal with assignment/transfer of certified staff and another with provision of resources.

<u>Legal References:</u>	<u>N.J.S.A. 18A:27-4</u>	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
	<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:59-1 through -3</u>	Apportionment and distribution of federal funds; exceptions
	<u>N.J.S.A. 34:13A-1 et seq.</u>	New Jersey Employer-Employee Relations Act
	<u>See particularly:</u>	
	<u>N.J.S.A. 34:13A-25, -27, -29</u>	
	<u>N.J.A.C. 6A:7-1.1 et seq.</u>	Managing for Equality and Equity in Education
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C. 6A:32-14.1</u>	Review of mandated programs and services

42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

34 CFR 200.1 to 200.89 Part 200

34 CFR Part 204

Ridgefield Park Education Association v. Ridgefield Park Board of Education, 78 N.J. 144 (1978)

The Comprehensive Equity Plan, New Jersey State Department of Education.

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4211	Recruitment, selection and hiring
	*4211.1	Nondiscrimination/affirmative action
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6160	Instructional services and resources
	*6161.1	Guidelines for evaluation and selection of instructional materials
	*6171.4	Special education

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