

ASSIGNMENT; TRANSFER

The chief school administrator shall make certified staff assignments 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 teachers and administrative staff among the schools. Discrimination in assignment, transfer and promotion shall not be tolerated (see 2224, 4111 and 4111.1).

Date: Reviewed: November 14, 2012, December 12, 2012
 Adopted: January 7, 2013

Legal References: Use legal reference sheet.

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

Key Words

Personnel Assignment, Personnel Transfer, Assignment and Transfer, Assignment, Transfer

Legal References

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Mandated:

34 CFR Parts 200.1 et seq. require written board policy on equivalency of staffing, etc. This is to preclude the district's using federal funds in any of its schools to make up for unbalanced distribution of resources.

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-23 and 25 address assignment to extracurricular activities and prohibit transfers as a disciplinary measure respectively.

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 dealing with assignment and transfer of certified staff--both classroom and administrative. A separate policy should deal with assignment of support staff and another with provision of resources.

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:25-1	Transfer of teaching staff members
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exceptions
	<u>N.J.S.A.</u> 18A:59-1 through -3	Apportionment and distribution of federal funds; exceptions
	<u>N.J.S.A.</u> 34:13A-1 <u>et seq.</u> <u>See particularly:</u>	New Jersey Employer-Employee Relations Act
	<u>N.J.S.A.</u> 34:13A-23, -25, -27, -29	
	<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-14.1	Review of mandated programs and services
	42 <u>U.S.C.A.</u> 2000d - 2000d4	- Title VI of the Civil Rights Act of 1964
	20 <u>U.S.C.A.</u> 1681	- Title IX of the Education Amendments of 1972
	29 <u>U.S.C.A.</u> 794 <u>et seq.</u>	- 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
	*3220/3230	State funds; federal funds
	*4111	Recruitment, selection and hiring
	*4111.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6145	Extracurricular activities
	*6160	Instructional services and resources
	*6171.3	At-risk and Title 1
	*6171.4	Special education

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