

[First Reprint]

ASSEMBLY, No. 5007

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

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

As reported by the Assembly Education Committee on June 10, 2019, with amendments.



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.

4
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 ¹, or is
10 an out-of-district employee,¹ shall receive an employment contract
11 with the board of education for a term of three years ¹for that
12 particular athletic activity¹.

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 ¹for that particular athletic activity¹.

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 ¹**【or】**,¹ capricious ¹, or unlawful¹ reasons.

30 b. A coach of an athletic activity at a public high school who is
31 dismissed or reduced in compensation shall receive ¹written¹ notice
32 of the basis for the dismissal or reduction in compensation ¹**【and**
33 **have an opportunity to be heard】** within five days after the decision
34 is made by the school district official but prior to any action being
35 taken by the board of education¹. In the case of a coach of an
36 athletic activity at a public high school who is also a tenured
37 employee of the school district, if the dismissal is based on a poor
38 annual evaluation, the coach shall be provided one year in which to
39 correct and overcome any identified deficiencies with appropriate
40 district support.

41 c. ¹A coach of an athletic activity at a public high school who
42 is dismissed or reduced in compensation shall be entitled to request
43 in writing a hearing before the board of education after receiving
44 the written notice of the basis for the dismissal or reduction in

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted June 10, 2019.

1 compensation pursuant to subsection b. of this section. The hearing
2 shall take place within 10 days of the coach's written request for a
3 hearing unless a different date is mutually agreed upon. A coach
4 shall be entitled to representation by counsel, to present witnesses,
5 and to ask questions and cross examine any of the school district
6 officials who participated in making the decision on the termination
7 or reduction in compensation. Any testimony shall be taken under
8 oath, and the hearing shall take place in executive session with a
9 court reporter present. The cost of the services of the court reporter
10 shall be paid by the school district.

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

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

27 f.¹ Nothing **[is] in** this section shall be construed to grant
28 tenure to a coach of an athletic activity, interfere with the
29 provisions of a collective bargaining agreement, or affect any other
30 right or remedy that may be available to a school district or coach
31 of an athletic activity pursuant to law ¹, either civil or criminal, or
32 create or alter any tort liability¹.

33
34 3. This act shall take effect immediately and shall first be
35 applicable to the first full school year following the date of
36 enactment.