



NJSBA



DATE: October 28, 2020

TO: Members of the New Jersey State Senate

FROM: New Jersey School Boards Association
New Jersey Principals and Supervisors Association
Garden State Coalition of Schools
New Jersey Association of School Administrators
New Jersey Council of County Vocational-Technical Schools
New Jersey Association of School Business Officials

Re: **Opposition to Senate Bill No. 2843 (Singleton) – We urge you to Vote No on S-2843**

Thank you for the opportunity to express our organizations’ collective concerns and opposition to Senate Bill No. 2843, which mandates that high school athletic coaches be given three-year, revolving employment contracts as head coaches and two-year contracts as assistant coaches.

Our organizations, representing boards of education, superintendents, principals, athletic directors, school business officials and county vocational technical schools, highly value the work and dedication of our athletic coaches and appreciate the intent behind the legislation to provide protections from any arbitrary dismissal of high school coaches from their positions. However, the bill’s objective must be balanced against a school district’s responsibility to put students first, the existing protections in law and a district’s responsibility to make personnel decisions based on educational needs, job performance, financial capacity and operational considerations. School and district administrators need the ability to hire the best coaches available for each sport season and to be able to respond promptly if a coach engages in misconduct that puts students at risk. The bill swings the pendulum far past the employment rights of full-time nontenured school employees and other employees who oversee extracurricular activities.

For these reasons and the reasons set forth below, **we respectfully oppose the bill and urge you to vote “no” when it comes before the full Senate on Thursday, October 29th.**

- **HIB and Coaches – S-2843 is Premature**

Coaches assert that the justification for this legislation is the filing of harassment, intimidation and bullying (HIB) allegations against coaches since the Anti-Bullying Bill of Rights Act” has been found to apply to **all** adults working in schools. Last year, the Legislature unanimously approved legislation, signed by the Governor, S-2575 (P.L.2019, c.179), establishing a task force to examine the “Anti-Bullying Bill of Rights Act” (the “Act”). The new law directs the task force to study and evaluate the current implementation of the Act, to identify areas of improvement, and to make recommendations regarding any appropriate changes or updates to the law. In conducting this study, the task force has been explicitly charged with examining any unintended consequences resulting from implementation of the Act, including, the specific *impacts of the law on athletic coaches*. As this study has not been completed, it would be premature for the Legislature to advance S-2843 at this time.

- **Contract Tenure on Day One**

The bill requires all head coaches and assistant coaches to be employed, respectively, under three-year and two-year employment contracts which are automatically renewed unless written notice is provided prior to the contract expiration. There is no requirement for any performance evaluation of the coach to demonstrate job effectiveness to justify these contracts as is annually required for most other school positions. The requirement to provide these multi-year contracts essentially provides coaches with “contract tenure” on Day One of employment, whereas other school employees earning tenure must prove their effectiveness in performance over multiple years in a four-year period before earning the due process protections and rights of school tenure laws. Furthermore, these contracts provide greater job security to part-time coaches than full-time employees in the district who operate on one-year contracts, such as school business officials who manage district budgets and paraprofessionals who assist our students in so many critical ways.

- **Unjustified and Inequitable Disparate Treatment of Staff**

S-2843 extends multi-year contracts and other special protections (hearing rights, right to cross examine witnesses, right to a court reporter) to high school athletic coaches, but not to other staff members assigned to oversee other extracurricular activities, such as a theater advisor, marching band director or choral director. While the rationale for this preferential treatment is unclear, granting stronger protections to coaches is inequitable and gives the impression that they are more valuable or important to the educational community than other school employees. The disparate treatment this bill creates in law for the treatment of one population of school staff who engage in extracurricular work with respect to employment rights over another is unjustifiable. This will result in dissension, divisiveness, labor relations issues, and a poor working environment at school.

Due process rights are important and there are existing due process rights for coaches and other school staff members engaged in extracurricular work. Existing laws and regulations, along with collective bargaining agreements, provide all employees with protection against unjust termination. This legislation creates legal protections well beyond the rights of non-tenured teachers who work full time, not in a stipend position like a coach.

- **The Need for Staffing Flexibility and Prompt Response to Misconduct**

Currently school districts hire coaches annually based upon district need, budgets and the negotiated terms of the collective bargaining agreement in effect in the district. As state aid and budgets change annually, will boards have a continuing obligation to pay a coach under a three-year contract when an athletic program is cancelled after year one?

Boards, school administrators and athletic directors need the ability to respond promptly if a coach engages in unsafe practices, is ineffective or has engaged in misconduct. If a coach is deficient in his or her duties, then the school administration, community at-large and (most importantly) students should not have to wait a year or more for him or her to be held accountable. If a coach is not performing well for students, students should not have to work with that coach for three years, which for many students could be the near-equivalent of their entire high school athletic career.

For these reasons, our organizations respectfully urge you to vote No on S-2843. Thank you for your consideration of our collective position on this legislation.