August 21, 2020

RE: NJ Principals and Supervisors Association Request to Hold S-2843
(Singleton)

Dear Senator Singleton, Chairman Sarlo and Members of the Senate Budget and Appropriations Committee:

The NJ Principals and Supervisors Association extends its warm regards for the safety of you, your families and your communities.

At a time, when the safe return of our students to schooling is the top concern of everyone from the Governor to this Legislature to parents, students and our members, we respectfully request that S-2843 be held in committee on August 24. Let me explain why.

1. Poor Timing for this Legislation During Pandemic – Safe Reopening is What Matters Now

For months now, the entire school community has been working tirelessly to prepare for the safe re-opening of schools despite changing mandates from the state and difficulties in obtaining necessary PPE, safety equipment, staffing concerns, facilities modifications, health care guidelines and additional health care staff. This is all occurring in the context of tight school and state budgets and supply chain backlogs.

Despite all this, we are excited to work with our students again this fall both in the world of learning and through the other activities that make school a place for personal growth. We are working hard to see what extracurricular activities districts will be able to offer students safely within our schools. We were pleased to learn that a fall sports season will be an option for students within the safety regulations of the NJ Department of Health that govern our schools and the NJSIAA guidelines.

Although each school community will be determining its level of participation keeping student safety as its defining principle, we are hopeful that student athletes will have the chance to have a safe season as modified by these safety requirements.

With all this uncertainty and the need to ensure a safe reopening for our students, this is not the time to move legislation changing the employment rights of one population of school staff members engaged in one form of activity over others. It will be divisive for school staff at a time when principals are having difficulties in staffing our schools and working to prioritize safety needs during this pandemic.
2. HIB Al­lega­tions and Coaches – Task Force Will Ad­dress - Bill is Premature

One of the ra­tionales voiced by coaches to sup­port this leg­is­la­tion is the ex­pe­rience of sev­er­al coaches be­ing charged with HIB al­le­ga­tions un­der the provi­sions of the An­ti-bul­ly­ing Bill of Rights (ABR) which has been found to ap­ply to the be­ha­vi­or of ad­ults em­ployed in the school sys­tem and stu­dents. This is not a law that only ap­plies to coaches, but to any adult em­ployed in the school sys­tem.

Our mem­bers do agree that high school coaches some­times ex­pe­rience un­re­ason­able par­ental pres­ses in the per­for­mance of their roles and do need sup­port. We have seen cases where pol­i­tical pres­ses im­pact a coach’s car­rier and we do sup­port cer­tain due process pro­tec­tions in such cases. An­nu­al eva­lu­a­tions would pro­vide con­crete ev­i­dence of per­for­mance to of­set un­doc­u­men­tated al­le­ga­tions. Griev­ance and ar­bi­tra­tion rights ex­ist via col­lective bar­gain­ing agree­ments. We do note that staff mem­bers who lead oth­er ex­tra­cu­ricular ac­tiv­i­ties ex­pe­rience the same par­ental pres­ses.

How­ever, the Leg­is­la­ture has al­ready pro­ac­tive­ly pro­vided a strong mecha­nism to ad­dress this issue. P.L. 2019, c. 179, sponsored by Sen­a­tor Diegnan, cre­ates an An­ti-bul­ly­ing Task Force to study is­sues re­lated to the im­ple­men­ta­tion of the ABR. The stat­u­te con­tains spe­cific lan­guage di­rect­ing the Task Force to study "all un­in­tended con­se­quences of the im­ple­men­ta­tion of the ABR, in­clud­ing, but not lim­ited to, im­pacts of the law on ath­letic coaches." The Task Force is di­rected to de­velop findings and re­com­men­da­tions to the Leg­is­la­ture. Due to the pan­dem­ic, this work is not yet com­pleted and we urge this com­mit­tee to allow this Task Force to do its work and de­velop con­structive solu­tions to this is­sue be­fore S-2843 is moved for­ward.

3. Issues on the Mer­its of the Bill

NJPSA has sig­nif­i­cant is­sues on the mer­its of the bill which we voiced in De­cem­ber 2019 be­fore this com­mit­tee. These in­clude:

• The need for prin­cipals and ath­letic di­rectors to hire the best coaches avail­able each year and the abil­ity to non-re­new coaches who have en­dangered stu­dents or not per­formed well for the stu­dents or dis­trict;
• The un­justifiable dis­par­ate treat­ment this bill cre­ates in law for the treat­ment of one pop­u­la­tion of school staff who en­gage in ex­tra­cu­ricular work with re­spect to em­ploy­ment rights over an­other. This will re­sult in di­s­sen­sion, di­vis­i­veness, mor­ale is­sues and a poor work­ing en­vi­ron­ment at school.
• The cre­ation of an argu­able obli­ga­tion of a board of ed­u­ca­tion to pay a coach un­der a con­tract even if a sport is elim­i­nated due to bud­get con­cerns even where the stu­dents can­not play.
The creations of a system of rollover contracts and a buy-out system for coaches.

The creation of greater procedural due process rights for coaches than those given to nontenured employees who are not renewed.

The instant granting of “contract tenure” rights on Day One to coaches without any requirement of effectiveness in job performance or performance evaluation as is required for teachers and principals under the TEACH NJ Act.

I would be happy to provide more information on any of these issues to the committee.

For these reasons, NJPSA respectfully requests that S-2843 be held at this time. Thank you for your consideration.

Very truly yours,
Debra Bradley, Esq.
NJPSA Director of Government Relations