

ASSEMBLY, No. 2961

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 17, 2010

Sponsored by:

Assemblywoman AMY H. HANDLIN

District 13 (Middlesex and Monmouth)

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District 12 (Mercer and Monmouth)

SYNOPSIS

Authorizes executive county superintendent of schools to require implementation of shared services arrangements and to approve school district collective negotiations agreements prior to execution of agreement.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the authority of the executive county
2 superintendent of schools, amending N.J.S.18A:7-8, and
3 supplementing chapter 7 of Title 18A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.18A:7-8 is amended to read as follows:

9 18A:7-8. Each executive county superintendent shall:

10 a. Visit and examine from time to time all of the schools under
11 his general supervision and exercise general supervision over them
12 in accordance with the rules prescribed from time to time by the
13 State board;

14 b. Keep himself informed as to the management, methods of
15 instruction and discipline and the courses of study and textbooks in
16 use, the condition of the school libraries, and the condition of the
17 real and personal property, particularly in respect to the
18 construction, heating, ventilation and lighting of school buildings,
19 in the local districts under his general supervision, and make
20 recommendations in connection therewith;

21 c. Advise with and counsel the boards of education of the local
22 districts under his general supervision and of any other district of
23 the county when so requested, in relation to the performance of
24 their duties;

25 d. Promote administrative and operational efficiencies and cost
26 savings within the school districts in the county while ensuring that
27 the districts provide a thorough and efficient system of education.
28 The executive county superintendent shall require collaboration
29 among school districts in expanding the implementation of shared
30 services among school districts within the county and outside of the
31 county. The executive county superintendent may require a school
32 district to enter into a shared services arrangement with another
33 district, a municipality, the county, or other unit of local
34 government within that county for the provision of administrative,
35 business, purchasing, public or nonpublic pupil transportation, or
36 other school district service if the arrangement will result in cost
37 savings for the districts or other units of local government involved;

38 e. **[**Based on standards adopted by the commissioner,
39 recommend to the commissioner, who is hereby granted the
40 authority to effectuate those recommendations, that certain school
41 districts be required to enter arrangements with one or more other
42 school districts or educational services commissions for the
43 consolidation of the district's administrative services;**]** (Deleted by
44 amendment, P.L. , c.) (pending before the Legislature as this bill)

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.

- 1 f. Recommend to the commissioner the elimination of laws the
2 executive county superintendent determines to be unnecessary State
3 education mandates, other than the categories of laws set forth in
4 section 3 of P.L.1996, c.24 (C.52:13H-3);
- 5 g. Eliminate districts located in the county that are not
6 operating schools on the effective date of P.L.2009, c.78 (C.18A:8-
7 43 et al.), in accordance with a plan and schedule included in the
8 plan submitted to and approved by the commissioner;
- 9 h. No later than three years following the effective date of
10 sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.), recommend
11 to the commissioner a school district consolidation plan to eliminate
12 all districts, other than county-based districts and other than
13 preschool or kindergarten through grade 12 districts in the county,
14 through the establishment or enlargement of regional school
15 districts. After the approval of the plan by the commissioner, the
16 executive county superintendent shall require each board of
17 education covered by a proposal in the plan to conduct a special
18 school election, at a time to be determined by the executive county
19 superintendent, and submit thereat the question whether or not the
20 executive county superintendent's proposal for the regionalization
21 of the school district shall be adopted. The question shall be
22 deemed adopted if it receives a vote in accordance with the
23 provisions of N.J.S.18A:13-5. If the question is adopted by the
24 voters, then the regional district shall be established or enlarged in
25 accordance with chapter 13 of Title 18A of the New Jersey Statutes;
- 26 i. Promote coordination and regionalization of pupil
27 transportation services through means such as reviewing bus routes
28 and schedules of school districts and nonpublic schools within the
29 county;
- 30 j. Review and approve, according to standards adopted by the
31 commissioner, all employment contracts for superintendents of
32 schools, assistant superintendents of schools, and school business
33 administrators in school districts within the county, prior to the
34 execution of those contracts;
- 35 k. Request the commissioner to order a forensic audit and to
36 select an auditor for any school district in the county upon the
37 determination by the executive county superintendent, according to
38 standards adopted by the commissioner, that the accounting
39 practices in the district necessitate such an audit;
- 40 l. Review all school budgets of the school districts within the
41 county, and may, pursuant to section 5 of P.L.1996, c.138
42 (C.18A:7F-5), disapprove a portion of a school district's proposed
43 budget if he determines that the district has not implemented all
44 potential efficiencies in the administrative operations of the district
45 or if he determines that the budget includes excessive non-
46 instructional expenses. If the executive county superintendent
47 disapproves a portion of the school district's budget pursuant to this
48 paragraph, the school district shall deduct the disapproved amounts

- 1 from the budget prior to publication of the budget, and during the
2 budget year the school district shall not transfer funds back into
3 those accounts;
- 4 m. Permit a district to submit to the voters a separate proposal
5 or proposals for additional funds pursuant to paragraph (9) of
6 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), only if:
7 (1) the district provides the executive county superintendent with
8 written documentation that the district has made efforts to enter into
9 shared arrangements with other districts, municipalities, counties,
10 and other units of local government for the provision of
11 administrative, business, purchasing, public and nonpublic
12 transportation, and other required school district services; (2) the
13 district certifies and provides written documentation that the district
14 participates in on-going shared arrangements; or (3) the district
15 certifies and provides written documentation that entering such
16 shared arrangements would not result in cost savings or would
17 result in additional expenses for the district;
- 18 n. Promote cooperative purchasing within the county of
19 textbooks and other instructional materials;
- 20 o. Coordinate with the Department of Education to maintain a
21 real time Statewide and district-wide database that tracks the types
22 and capacity of special education programs being implemented by
23 each district and the number of students enrolled in each program to
24 identify program availability and needs;
- 25 p. Coordinate with the Department of Education to maintain a
26 Statewide and district-wide list of all special education students
27 served in out-of-district programs and a list of all public and private
28 entities approved to receive special education students that includes
29 pertinent information such as audit results and tuition charges;
- 30 q. Serve as a referral source for districts that do not have
31 appropriate in-district programs for special education students and
32 provide those districts with information on placement options in
33 other school districts;
- 34 r. Conduct regional planning and identification of program
35 needs for the development of in-district special education programs;
- 36 s. Serve as a liaison to facilitate shared special education
37 services within the county including, but not limited to direct
38 services, personnel development, and technical assistance;
- 39 t. Work with districts to develop in-district special education
40 programs and services including providing training in inclusive
41 education, positive behavior supports, transition to adult life, and
42 parent-professional collaboration;
- 43 u. Provide assistance to districts in budgetary planning for
44 resource realignment and reallocation to direct special education
45 resources into the classroom;
- 46 v. Report on a regular basis to the commissioner on progress in
47 achieving the goal of increasing the number of special education

1 students educated in appropriate programs with non-disabled
2 students;

3 w. Render a report to the commissioner annually on or before
4 September 1, in the manner and form prescribed by him, of such
5 matters relating to the schools under his jurisdiction as the
6 commissioner shall require; **[and]**

7 x. Review and approve, according to standards adopted by the
8 commissioner, all collective negotiations agreements in school
9 districts within the county prior to the execution of those
10 agreements. The standards adopted by the commissioner shall
11 include, but not be limited to, a required minimum number of work
12 days per year for school district employees and a minimum number
13 of hours per day of pupil contact time for teachers.

14 The executive county superintendent shall not approve a
15 collective negotiations agreement that fails to comply with the
16 standards adopted by the commissioner or that (1) includes salary,
17 wages, and other forms of compensation such as costs for health
18 insurance, that would cause the school district to exceed its tax levy
19 growth limitation; or 2) prohibits the subcontracting of school
20 district services; and

21 y. Perform such other duties as shall be prescribed by law.

22 Any budgetary action of the executive county superintendent
23 under this section may be appealed directly to the commissioner,
24 who shall render a decision within 15 days of the receipt of the
25 appeal. If the commissioner fails to issue a decision within 15 days
26 of the filing of an appeal, the budgetary action of the executive
27 county superintendent shall be deemed approved. The
28 commissioner shall by regulation establish a procedure for such
29 appeals.

30 Nothing in this section shall be construed or interpreted to
31 contravene or modify the provisions of the "New Jersey Employer-
32 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or
33 to limit or restrict the scope of negotiations as provided pursuant to
34 law, or to require an employer to enter into a subcontracting
35 agreement which affects the employment of any employee in a
36 collective bargaining unit represented by a majority representative
37 during the time that an existing collective bargaining agreement
38 with the majority representative is in effect.

39 Nothing in this section is intended to interfere with a school
40 district's ability to provide a thorough and efficient education.

41 (cf: P.L.2009, c.78, s.10)

42

43 2. (New section) Notwithstanding any provision of P.L.1968,
44 c.410 (C.52:14B-1 et seq.) or any other law to the contrary, the
45 commissioner may adopt, immediately upon filing with the Office
46 of Administrative Law, such rules and regulations as the
47 commissioner deems necessary to implement the provisions of
48 P.L. , c. (pending before the Legislature as this bill), which shall

1 be effective for a period not to exceed 12 months following the
2 effective date of P.L. , c. (pending before the Legislature as this
3 bill). The regulations shall thereafter be amended, adopted, or
4 readopted by the commissioner in accordance with the provisions of
5 P.L.1968, c.410 (C.52:14B-1 et seq.); and the commissioner shall,
6 at a minimum, hold at least one public hearing in each of the north,
7 central, and southern regions of the State within 60 days of the
8 public notice of any regulations proposed by the commissioner to be
9 amended, adopted, or readopted pursuant to that act.

10
11 3. This act shall take effect immediately.
12
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14 STATEMENT
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16 This bill directs each executive county superintendent of schools
17 to require collaboration among school districts in expanding the
18 implementation of shared services among school districts within the
19 county and outside of the county. The bill also permits the
20 executive county superintendent to require a district to enter into a
21 shared services arrangement with another district, a municipality,
22 the county, or other unit of local government within that county for
23 the provision of administrative, business, purchasing, public or
24 nonpublic pupil transportation, or other school district service if the
25 arrangement will result in cost savings for the districts or other units
26 of local government involved.

27 Further, the bill requires the executive county superintendent to
28 review and approve all collective negotiations agreements in school
29 districts within the county prior to the execution of those contracts
30 in accordance with standards adopted by the Commissioner of
31 Education. The standards adopted by the commissioner will
32 include, but not be limited to, a required number of work days per
33 year for school district employees and a minimum number of hours
34 per day of pupil contact time for teachers.

35 The executive county superintendent may not approve a
36 collective negotiations agreement if it fails to comply with the
37 standards or includes salary, wages, and other forms of
38 compensation that would cause the school district to exceed its tax
39 levy growth limitation or prohibits the subcontracting of school
40 district services.