

ASSEMBLY, No. 3775

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED APRIL 5, 2018

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

SYNOPSIS

Prohibits the DOE from regulating the maximum salary amount a school district may pay its superintendent of schools.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2019)

1 AN ACT concerning superintendents of schools, amending
2 N.J.S.18A:7-8, and supplementing chapter 17 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. 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 e. Based on standards adopted by the commissioner,
29 recommend to the commissioner, who is hereby granted the
30 authority to effectuate those recommendations, that certain school
31 districts be required to enter arrangements with one or more other
32 school districts or educational services commissions for the
33 consolidation of the district's administrative services;

34 f. Recommend to the commissioner the elimination of laws the
35 executive county superintendent determines to be unnecessary State
36 education mandates, other than the categories of laws set forth in
37 section 3 of P.L.1996, c.24 (C.52:13H-3);

38 g. Eliminate districts located in the county that are not
39 operating schools on the effective date of P.L.2009, c.78 (C.18A:8-
40 43 et al.), in accordance with a plan and schedule included in the
41 plan submitted to and approved by the commissioner;

42 h. No later than three years following the effective date of
43 sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.), recommend
44 to the commissioner a school district consolidation plan to eliminate
45 all districts, other than county-based districts and other than

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 preschool or kindergarten through grade 12 districts in the county,
2 through the establishment or enlargement of regional school
3 districts. After the approval of the plan by the commissioner, the
4 executive county superintendent shall require each board of
5 education covered by a proposal in the plan to conduct a special
6 school election, at a time to be determined by the executive county
7 superintendent, and submit thereat the question whether or not the
8 executive county superintendent's proposal for the regionalization
9 of the school district shall be adopted. The question shall be
10 deemed adopted if it receives a vote in accordance with the
11 provisions of N.J.S.18A:13-5. If the question is adopted by the
12 voters, then the regional district shall be established or enlarged in
13 accordance with chapter 13 of Title 18A of the New Jersey Statutes;

14 i. Promote coordination and regionalization of pupil
15 transportation services through means such as reviewing bus routes
16 and schedules of school districts and nonpublic schools within the
17 county;

18 j. Review and approve **■**, according to standards adopted by
19 the commissioner, **■** all employment contracts for superintendents of
20 schools, assistant superintendents of schools, and school business
21 administrators in school districts within the county, prior to the
22 execution of those contracts. The review and approval of the
23 employment contracts shall be according to standards adopted by
24 the commissioner, provided that the standards shall not include
25 maximum salary amounts for superintendents of schools;

26 k. Request the commissioner to order a forensic audit and to
27 select an auditor for any school district in the county upon the
28 determination by the executive county superintendent, according to
29 standards adopted by the commissioner, that the accounting
30 practices in the district necessitate such an audit;

31 l. Review all school budgets of the school districts within the
32 county, and may, pursuant to section 5 of P.L.1996, c.138
33 (C.18A:7F-5), disapprove a portion of a school district's proposed
34 budget if he determines that the district has not implemented all
35 potential efficiencies in the administrative operations of the district
36 or if he determines that the budget includes excessive non-
37 instructional expenses. If the executive county superintendent
38 disapproves a portion of the school district's budget pursuant to this
39 paragraph, the school district shall deduct the disapproved amounts
40 from the budget prior to publication of the budget, and during the
41 budget year the school district shall not transfer funds back into
42 those accounts;

43 m. Permit a district to submit to the voters a separate proposal
44 or proposals for additional funds pursuant to paragraph (9) of
45 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), only if:
46 (1) the district provides the executive county superintendent with
47 written documentation that the district has made efforts to enter into
48 shared arrangements with other districts, municipalities, counties,

1 and other units of local government for the provision of
2 administrative, business, purchasing, public and nonpublic
3 transportation, and other required school district services; (2) the
4 district certifies and provides written documentation that the district
5 participates in on-going shared arrangements; or (3) the district
6 certifies and provides written documentation that entering such
7 shared arrangements would not result in cost savings or would
8 result in additional expenses for the district;

9 n. Promote cooperative purchasing within the county of
10 textbooks and other instructional materials;

11 o. Coordinate with the Department of Education to maintain a
12 real time Statewide and district-wide database that tracks the types
13 and capacity of special education programs being implemented by
14 each district and the number of students enrolled in each program to
15 identify program availability and needs;

16 p. Coordinate with the Department of Education to maintain a
17 Statewide and district-wide list of all special education students
18 served in out-of-district programs and a list of all public and private
19 entities approved to receive special education students that includes
20 pertinent information such as audit results and tuition charges;

21 q. Serve as a referral source for districts that do not have
22 appropriate in-district programs for special education students and
23 provide those districts with information on placement options in
24 other school districts;

25 r. Conduct regional planning and identification of program
26 needs for the development of in-district special education programs;

27 s. Serve as a liaison to facilitate shared special education
28 services within the county including, but not limited to direct
29 services, personnel development, and technical assistance;

30 t. Work with districts to develop in-district special education
31 programs and services including providing training in inclusive
32 education, positive behavior supports, transition to adult life, and
33 parent-professional collaboration;

34 u. Provide assistance to districts in budgetary planning for
35 resource realignment and reallocation to direct special education
36 resources into the classroom;

37 v. Report on a regular basis to the commissioner on progress in
38 achieving the goal of increasing the number of special education
39 students educated in appropriate programs with non-disabled
40 students;

41 w. Render a report to the commissioner annually on or before
42 September 1, in the manner and form prescribed by him, of such
43 matters relating to the schools under his jurisdiction as the
44 commissioner shall require; and

45 x. Perform such other duties as shall be prescribed by law.

46 Any budgetary action of the executive county superintendent
47 under this section may be appealed directly to the commissioner,
48 who shall render a decision within 15 days of the receipt of the

1 appeal. If the commissioner fails to issue a decision within 15 days
2 of the filing of an appeal, the budgetary action of the executive
3 county superintendent shall be deemed approved. The
4 commissioner shall by regulation establish a procedure for such
5 appeals.

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

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

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

18

19 2. (New section) The Department of Education shall not
20 regulate the maximum salary amount a board of education may
21 provide to a superintendent of schools pursuant to an employment
22 contract.

23

24 3. This act shall take effect immediately.

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STATEMENT

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29 This bill would prohibit the Department of Education from
30 regulating the maximum salary amount a board of education could
31 provide to a superintendent of schools pursuant to the employment
32 contract.

33 The executive county superintendent of schools was given the
34 authority in 2007 to review and approve all employment contracts for
35 superintendents, according to standards adopted by the Commissioner
36 of Education. Under the provisions of N.J.A.C.6A:23A-1.2 and
37 N.J.A.C.6A:23A-3.1, those standards provide that no contract for a
38 superintendent is permitted to include an annual salary in excess of the
39 "maximum salary amount," which varies depending on the number of
40 students enrolled in the district.