

ASSEMBLY, No. 730

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GREGG

1 AN ACT concerning administrative personnel in the public schools,
2 supplementing chapter 17 of Title 18A of the New Jersey Statutes
3 and revising parts of the statutory law.

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

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8 1. (New section) For the purposes of this act, an "administrative
9 position" shall mean any of the following positions: assistant
10 superintendent of schools, secretary of a board of education, assistant
11 secretary of a board of education, school business administrator,
12 business manager of a board of education, administrative principal,
13 principal, vice-principal and assistant principal.

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15 2. (New section) All individuals appointed to an administrative
16 position by a board of education shall be appointed by contract for a
17 term not to exceed three years and expiring on June 30.

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19 3. (New section) At the conclusion of the term of an initial
20 contract or of any subsequent contract as hereinafter provided, an
21 individual in an administrative position shall be deemed reappointed
22 for another contracted term of the same duration as the previous
23 contract unless either a. the board by contract reappoints the
24 individual for a different term which term shall be not more than three
25 years, in which event reappointments thereafter shall be deemed for
26 the new term unless a different term is again specified, or b. at least
27 one year prior to the expiration of the first or any subsequent contract
28 the board shall notify the individual in writing that he will not be
29 reappointed at the end of the current term, in which event his
30 employment shall cease at the expiration of that term.

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32 4. (New section) Every individual in an administrative position

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 shall hold tenure in that office during the term of any employment
2 contract with the board, and during tenure he shall not be dismissed or
3 reduced in compensation except for inefficiency, incapacity, or
4 conduct unbecoming an administrator or other just cause and then only
5 in the manner prescribed by subarticle B of article 2 of chapter 6 of
6 Title 18A of the New Jersey Statutes.

7 Notwithstanding any other provision of this act to the contrary, the
8 board of education shall have the right at any time, by the recorded
9 roll call majority vote of the full membership of the board, to terminate
10 the contract and the corresponding tenure of an individual in an
11 administrative position granted pursuant to this act upon paying the
12 full amount of compensation which he would have received had he
13 served the remaining period of his contract, and the amount of
14 compensation he would have received had he served during the period
15 of any contract for which he is deemed to have been reappointed in
16 accordance with the provisions of this amendatory and supplementary
17 act.

18 5. (New section) No individual hereafter appointed to an
19 administrative position, other than to the positions of principal,
20 vice-principal or assistant principal, shall have tenure in any other
21 position in the district; but nothing in this section or in this act shall
22 affect any tenure rights which shall have already accrued to any
23 individual in an administrative position prior to the effective date of
24 this amendatory and supplementary act.

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26 6. (New section) This act shall not impair the validity of any
27 contract of employment between a board of education and an
28 individual in an administrative position which was entered into prior
29 to the effective date of this amendatory and supplementary act.

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31 7. N.J.S.18A:17-16 is amended to read as follows:

32 18A:17-16. The board or boards of education of any school district
33 or school districts having a superintendent of schools may, by
34 contract, upon nomination of the superintendent, by a recorded roll
35 call majority vote of the full membership, of the board or of each of
36 such boards, appoint assistant superintendents of schools for a term
37 not exceeding three years and expiring on July 1. They may be
38 removed by a like vote of the members of the board or of each board
39 employing them, subject to the provisions of [chapter 28 of this title]
40 P.L. _____, c. (C. _____) (now pending in the Legislature as this bill).
41 (cf: N.J.S.18A:17-16)

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43 8. N.J.S.18A:28-5 is amended to read as follows:

44 18A:28-5. The services of all teaching staff members including all
45 teachers[, principals other than administrative principals, assistant
46 principals, vice principals, assistant superintendents,]and all school

1 nurses including school nurse supervisors, head school nurses, chief
2 school nurses, school nurse coordinators, and any other nurse
3 performing school nursing services and such other employees as are in
4 positions which require them to hold appropriate certificates issued by
5 the board of examiners, serving in any school district or under any
6 board of education, excepting those who are not the holders of proper
7 certificates in full force and effect, shall be under tenure during good
8 behavior and efficiency and they shall not be dismissed or reduced in
9 compensation except for inefficiency, incapacity, or conduct
10 unbecoming such a teaching staff member or other just cause and then
11 only in the manner prescribed by subarticle B of article 2 of chapter 6
12 of this Title, after employment in such district or by such board for:

13 (a) Three consecutive calendar years, or any shorter period which
14 may be fixed by the employing board for such purpose; or

15 (b) Three consecutive academic years, together with employment
16 at the beginning of the next succeeding academic year; or

17 (c) The equivalent of more than three academic years within a
18 period of any four consecutive academic years.

19 (cf: P.L.1991, c.267, s.3)

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21 9. N.J.S.18A:17-2 and N.J.S.18A:17-14.3 are repealed.

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23 10. This act shall take effect immediately.

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STATEMENT

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28 This bill modifies the existing law with respect to the tenure of
29 administrative personnel in the public schools. It would substitute for
30 the present career tenure a period of tenure for the duration of a
31 contract between the board of education and the administrator. The
32 contract would be for a maximum of three years. The bill provides for
33 the automatic renewal of the contract for successive periods of not
34 more than three years. The board also has the option to terminate
35 employment at the end of a particular contract period on not less than
36 one year's notice.

37 Under the bill administrative personnel include individuals in the
38 positions of assistant superintendent of schools, secretary of a board
39 of education, assistant secretary of a board of education, school
40 business administrator, business manager of a board of education,
41 administrative principal, principal, vice-principal and assistant
42 principal.

43 The bill would not apply to individuals in an administrative position
44 who are under tenure when the bill is enacted, and would not impair
45 the validity of any contract entered into prior to the effective date of
46 the bill.

1 The repealed sections provide career tenure for individuals serving
2 as a secretary of board of education, an assistant secretary of a board
3 of education, a school business administrator, or a business manager
4 of a board of education.

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9 Grants tenure to certain public school administrative personnel only
10 for the duration of three-year contracts.