

[First Reprint]
ASSEMBLY, No. 1397

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman BAGGER

1 AN ACT concerning the sharing of certain personnel by school boards,
2 amending various sections of the New Jersey Statutes and
3 supplementing chapter 17 ¹of Title 18A¹ of the New Jersey
4 Statutes.

5

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

8

9 1. N.J.S. 18A:17-14.1 is amended to read as follows:

10 18A:17-14.1. A board or the boards of two or more districts may,
11 under rules and regulations prescribed by the state board, appoint a
12 school business administrator by a majority vote of all the members of
13 the board, define his duties, which may include serving as secretary of
14 one of the boards, and fix his salary, whenever the necessity for such
15 appointment shall have been agreed to by the county superintendent of
16 schools or the county superintendents of schools of the counties in
17 which the districts are situate and approved by the commissioner and
18 the state board. ¹[No] A¹ school business administrator shall be
19 appointed ¹[except]¹ in the manner provided in this section .¹[except
20 that] however¹ when the boards of education of two or more school
21 districts determine to share a school business administrator, the
22 appointment shall ¹[be made pursuant to] comply with the provisions
23 of¹ section 4 of P.L. , c. (C.)(now pending before the
24 Legislature as this bill).

25 Nothing in ¹[this act] P.L. , c. (C.) (now pending before the
26 Legislature as this bill)¹ shall prohibit a school district from
27 subcontracting its school business administrator to another school
28 district ¹pursuant to the provisions of P.L.1973, c.208 (C.40:8A-1 et
29 seq.)¹ , in which case credit toward tenure acquisition shall accrue only
30 in the primary district of employment. ¹The provisions of P.L. , c.
31 (C.) (now pending before the Legislature as this bill) concerning

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AED committee amendments adopted March 25, 1996.

1 the arrangement to share a school business administrator by two or
2 more school districts shall not apply when a school district
3 subcontracts its school business administrator to another school
4 district.¹

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6 2. N.J.S.18A:17-15 is amended to read as follows:

7 18A:17-15. The board of education of a Type I district and of any
8 Type II district, now having or hereafter authorized to have a
9 superintendent of schools, may, by contract appoint, for a term of not
10 less than three nor more than five years and expiring July 1, a
11 superintendent of schools by the recorded roll call majority vote of the
12 full membership of the board.

13 A superintendent of schools may be appointed for a like term also
14 in any other Type II district or in any other two or more Type II
15 districts as follows:

16 Application for the establishment of the office of superintendent of
17 schools for ~~[the]~~ a district or for two or more districts which
18 determine to share a superintendent shall be made to the county
19 superintendent of the county or the county superintendent of each of
20 the counties in which such district or districts are situate and if said
21 application is agreed to in writing by such county superintendent or
22 county superintendents and shall be approved by the commissioner and
23 the State board, the board of education of such a district so applying
24 may appoint a superintendent of schools for a single district in the
25 manner hereinbefore provided ~~[or the commissioner shall appoint,~~
26 ~~subject to the approval of the State board, a superintendent of schools~~
27 ~~for two or more districts making such application and the State board~~
28 ~~shall apportion the expense of maintaining such a superintendent in~~
29 ~~more than one district equitably between the districts]~~or may appoint
30 a superintendent for two or more districts in the manner provided by
31 section 4 of P.L. , c. (C.)(now pending before the Legislature
32 as this bill).

33 (cf: P.L.1991,c.267,s.1)

34
35 3. N.J.S. 18A:28-5 is amended to read as follows:

36 N.J.S. 18A:28-5. The services of all teaching staff members
37 including all teachers, principals other than administrative principals,
38 assistant principals, vice principals, assistant superintendents, and all
39 school nurses including school nurse supervisors, head school nurses,
40 chief school nurses, school nurse coordinators, and any other nurse
41 performing school nursing services and such other employees as are in
42 positions which require them to hold appropriate certificates issued by
43 the board of examiners, serving in any school district or under any
44 board of education, excepting those who are not the holders of proper
45 certificates in full force and effect and school business administrators
46 shared by two or more school districts, shall be under tenure during

1 good behavior and efficiency and they shall not be dismissed or
2 reduced in compensation except for inefficiency, incapacity, or
3 conduct unbecoming such a teaching staff member or other just cause
4 and then only in the manner prescribed by subarticle B of article 2 of
5 chapter 6 of this Title, after employment in such district or by such
6 board for:

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

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

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

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

14

15 4. (New section) The boards of education of two or more school
16 districts may share a superintendent or a school business administrator,
17 or both. A shared superintendent or business administrator shall be
18 subject to the same rules governing eligibility for employment as are
19 superintendents or business administrators of a single district. ¹The
20 decision to share a school business administrator shall be made jointly
21 by the boards of education of the districts, in consultation with the
22 superintendents of the respective districts.¹ The decision to share a
23 superintendent ¹[or business administrator]¹ shall be made jointly by
24 the ¹boards of education of the¹ districts, subject to the final approval
25 of the county superintendent or superintendents, as follows:

26 a. Should two or more districts, after careful study and ¹[ample]¹
27 opportunity for community input, decide to share a superintendent
28 ¹[or school business administrator] ¹, the districts shall mutually
29 prepare a report for submission to the county superintendent or county
30 superintendents if the districts are in different counties. The report
31 shall outline the anticipated advantages to the districts and the
32 feasibility of a shared arrangement. The report shall set forth a plan
33 explaining how the shared arrangement will operate, and shall also
34 address such items as community support for the arrangement, effect
35 on services to the respective districts, division of the ¹[business
36 administrator's or]¹ superintendent's time between the districts,
37 availability of administrative backup, likelihood of situations creating
38 conflict of interest, and financial advantages of the arrangement.

39 b. The county superintendent or superintendents shall grant
40 approval ¹of a shared superintendent arrangement¹ based on guidelines
41 to be established by the State Board of Education.

42 (cf: N.J.S.18A:17-14.1)

43

44 5. (New section) Any boards obtaining the approval of the county
45 superintendent or superintendents may contract with one another for
46 the sharing of a superintendent or school business administrator. The

1 contract shall be in writing and shall address the responsibilities of
2 each district under the sharing relationship, including the
3 apportionment of costs. The agreement shall be made contingent upon
4 the districts' mutual agreement on a candidate to fill the shared
5 position and shall be conterminous with the superintendent's or
6 business administrator's employment contract.

7 a. The school districts shall together agree on how the initial costs
8 of sharing a superintendent or business administrator shall be
9 apportioned, which apportionment shall be expressed as a percentage
10 for each district, and shall include the cost of salaries and benefits.
11 ¹[The State Board of Education shall adopt guidelines regarding the
12 apportionment of expenses between the sharing districts.]¹

13 b. At least one year prior to the expiration of the first or any
14 subsequent contract between school boards sharing a superintendent
15 or business administrator, a board wishing to terminate the contract
16 shall notify, in writing, the other board or boards and the
17 superintendent or business administrator, that it wishes to terminate
18 the contract.

19 c. Should a board give a notice of termination, the contract
20 between the boards shall be terminated at the expiration of that term
21 and the superintendent or business administrator shall not be
22 reappointed by the joint boards at the end of the current term.
23 However, the termination shall not preclude a board from reemploying
24 the superintendent or business administrator on an individual basis.
25

26 6. (New section) The boards of education may, by contract,
27 appoint a shared superintendent or school business administrator, for
28 a term of not less than three nor more than five years and expiring July
29 1, by the recorded roll call majority vote of the membership of each
30 board. At the conclusion of the term of the initial contract or of any
31 subsequent contract, the superintendent or business administrator
32 shall be deemed reappointed for another contracted term of the same
33 duration as the previous contract unless either:

34 a. The boards shall together agree to reappoint the person by
35 contract for a different term, which term shall not be less than three
36 nor more than five years in which event reappointments thereafter shall
37 be deemed for the new term unless a different term is again specified;
38 or

39 b. At least one year prior to the expiration of the first or any
40 subsequent contract a board shall notify the superintendent or
41 business administrator and the other board or boards in writing that
42 the person will not be reappointed at the end of the current term, in
43 which event the person's employment shall cease at the expiration of
44 that term. The contract between the boards shall also be terminated.
45 However, the termination shall not preclude any board from
46 reemploying the superintendent or business administrator on an

1 individual basis. ¹If a contract between boards of education is
2 terminated because the superintendent or business administrator is
3 not reappointed at the end of the term of employment, and the boards
4 involved in the previous sharing relationship determine to enter into a
5 new contract, the boards shall not be required to prepare and submit
6 a report or receive the approval of the county superintendent or
7 superintendents of schools if the new contract is for the same shared
8 position for which the boards previously received approval.¹

9
10 7. (New section) During the term of any employment contract with
11 the board, a shared superintendent or school business administrator
12 shall not be dismissed or reduced in compensation except for
13 inefficiency, incapacity, or conduct unbecoming or other just cause and
14 then only in the manner prescribed by N.J.S. 18A:6-9 et seq.

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16 ¹8. (New section) The position of shared superintendent or shared
17 business administrator shall not be a tenurable position. If two or
18 more boards of education appoint an individual from within one of the
19 school districts to a shared position, the individual shall retain all
20 tenure rights accrued in the positions in which he previously served
21 within the district. However, in no event shall the districts be required
22 to appoint a tenured individual from within any of the districts to fill
23 a shared position.¹

24
25 ¹[8.] 9.¹ (New section) The initial terms and conditions of the
26 employment contract between the boards and the superintendent ¹[or
27 school business administrator]¹ shall be determined by the boards and
28 the superintendent ¹[or business administrator within guidelines to be
29 set by the State Board of Education]¹. The terms shall be maintained
30 for the life of the contract. ¹The State Board of Education shall
31 establish guidelines governing the initial terms and conditions of the
32 employment contract between the boards and a superintendent.

33 The initial terms and conditions of the employment contract
34 between the boards and a school business administrator shall be
35 determined by the boards in consultation with the superintendents of
36 the respective districts.¹

37 Boards may mutually agree to provide additional benefits or
38 compensation during the life of the superintendent's or business
39 administrator's contract, but if agreement is not possible, an individual
40 board may do so unilaterally based upon the superintendent's or
41 business administrator's performance and the needs of the district, and
42 the responsibility for the cost of the additional benefits shall rest solely
43 with that individual board.

44
45 ¹[9.] 10.¹ (New section) Each district shall ensure that the shared
46 superintendent or school business administrator is evaluated

1 individually in that district, in accordance with statute and regulation.

2

3 ¹[10.] 11.¹ (New section) The county superintendent or ¹
4 superintendents if the districts are in different counties¹ shall serve as
5 ¹[an] the¹ arbitrator over any disputes arising over the interpretation
6 of the contract between the boards of education sharing a
7 superintendent or a school business administrator.

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9 ¹12. (New section) The provisions of P.L. , c. (C.) (now
10 pending before the Legislature as this bill) shall govern the sharing of
11 a superintendent or school business administrator by two or more
12 boards of education and shall not be deemed inconsistent with the
13 provisions of P.L.1973, c.208 (C.40:8A-1 et seq.) insofar as that act
14 may authorize the subcontracting of school district administrative
15 services.¹

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17 ¹[11.] 13.¹ This act shall take effect immediately.

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22 Provides procedure for school districts which determine to share the
23 services of a superintendent or business administrator.