

[Second 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 <sup>1</sup>of Title 18A<sup>1</sup> 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. <sup>1</sup>[ No] A<sup>1</sup> school business administrator shall be  
19 appointed <sup>1</sup>[except]<sup>1</sup> in the manner provided in this section .<sup>1</sup>[except  
20 that] however<sup>1</sup> when the boards of education of two or more school  
21 districts determine to share a school business administrator, the  
22 appointment shall <sup>1</sup>[be made pursuant to] comply with the provisions  
23 of<sup>1</sup> section 4 of P.L. , c. (C. )(now pending before the  
24 Legislature as this bill).

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

<sup>1</sup> Assembly AED committee amendments adopted March 25, 1996.

<sup>2</sup> Assembly floor amendments adopted March 28, 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.<sup>1</sup>

5  
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)

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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. <sup>1</sup>The  
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<sup>1</sup> <sup>2</sup>subject to the final  
23 approval of the county superintendent or superintendents<sup>2</sup> . The  
24 decision to share a superintendent <sup>1</sup>[or business administrator]<sup>1</sup> shall  
25 be made jointly by the <sup>1</sup>boards of education of the<sup>1</sup> districts, subject  
26 to the final approval of the county superintendent or superintendents,  
27 as follows:

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

41 b. The county superintendent or superintendents shall grant  
42 approval <sup>1</sup>of a shared superintendent arrangement<sup>1</sup> based on guidelines  
43 <sup>2</sup>[to] which may<sup>2</sup> be established by the <sup>2</sup>[State Board] Commissioner<sup>2</sup>  
44 of Education.

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

46 5. (New section) Any boards obtaining the approval of the county

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

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

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

21 c. Should a board give a notice of termination, the contract  
22 between the boards shall be terminated at the expiration of that term  
23 and the superintendent or business administrator shall not be  
24 reappointed by the joint boards at the end of the current term.  
25 However, the termination shall not preclude a board from reemploying  
26 the superintendent or business administrator on an individual basis.  
27

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

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

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

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

11

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

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19 <sup>1</sup>8. (New section) The position of shared superintendent or shared  
20 business administrator shall not be a tenurable position. If two or  
21 more boards of education appoint an individual from within one of the  
22 school districts to a shared position, the individual shall retain all  
23 tenure rights accrued in the positions in which he previously served  
24 within the district. However, in no event shall the districts be required  
25 to appoint a tenured individual from within any of the districts to fill  
26 a shared position.<sup>1</sup>

27

28 <sup>1</sup>[8.] <sup>1</sup>9. (New section) The initial terms and conditions of the  
29 employment contract between the boards and the superintendent <sup>1</sup>[or  
30 school business administrator]<sup>1</sup> <sup>2</sup>or school business administrator<sup>2</sup>  
31 shall be determined by the boards and the superintendent <sup>1</sup>[or business  
32 administrator within guidelines to be set by the State Board of  
33 Education]<sup>1</sup> <sup>2</sup>or business administrator<sup>2</sup>. The terms shall be  
34 maintained for the life of the contract. <sup>1</sup>The <sup>2</sup>[State Board]  
35 Commissioner<sup>2</sup> of Education <sup>2</sup>[shall] may <sup>2</sup>establish guidelines  
36 governing the initial terms and conditions of the employment contract  
37 between the boards and a superintendent.

38 <sup>2</sup>[The initial terms and conditions of the employment contract  
39 between the boards and a school business administrator shall be  
40 determined by the boards in consultation with the superintendents of  
41 the respective districts.]<sup>1</sup><sup>2</sup>

42 Boards may mutually agree to provide additional benefits or  
43 compensation during the life of the superintendent's or business  
44 administrator's contract, but if agreement is not possible, an individual  
45 board may do so unilaterally based upon the superintendent's or  
46 business administrator's performance and the needs of the district, and

1 the responsibility for the cost of the additional benefits shall rest solely  
2 with that individual board.

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4 <sup>1</sup>[9.] 10.<sup>1</sup> (New section) Each district shall ensure that the shared  
5 superintendent or school business administrator is evaluated  
6 individually in that district, in accordance with statute and regulation.

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8 <sup>1</sup>[10.] 11.<sup>1</sup> (New section) The county superintendent or<sup>1</sup>  
9 superintendents if the districts are in different counties<sup>1</sup> shall serve as  
10 <sup>1</sup>[an] the<sup>1</sup> arbitrator over any disputes arising over the interpretation  
11 of the contract between the boards of education sharing a  
12 superintendent or a school business administrator.

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

21  
22 <sup>1</sup>[11.] 13.<sup>1</sup> This act shall take effect immediately.

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26  
27 Provides procedure for school districts which determine to share the  
28 services of a superintendent or business administrator.