

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1397

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 25, 1996

The Assembly Education Committee reports favorably Assembly Bill No. 1397 with committee amendments.

This bill replaces the existing provisions authorizing several boards of education to share one superintendent or school business administrator with more comprehensive procedures. The proposal would give boards of education greater authority to appoint a shared superintendent than they have currently. Under existing law it is the commissioner who appoints a superintendent subject to approval of the State board. This bill would allow boards to jointly choose the candidate of their choice.

Under the proposal, the position of shared business administrator, like that of superintendent, would not be a tenurable position. If two or more boards of education appoint an individual from within one of the school districts to a shared position, the individual would retain all tenure rights accrued in the positions in which he previously served. Also, the bill would not affect the ability of a school district to subcontract the services of its school business administrator to another school district. The bill makes it clear that should a district choose subcontracting of a school business administrator over sharing, credit toward tenure acquisition accrues only in the primary district of employment.

Under the bill's provisions, the decision to share a school business administrator and to seek the approval of the county superintendent or superintendents of schools for the arrangement would be made jointly by the boards of education of the districts, in consultation with the superintendents of the respective districts. Boards which want to share a superintendent must receive approval from the county superintendent or superintendents after soliciting community input and presenting a report to the county superintendent describing both how the shared relationship would operate and its projected impact on the districts' effective rendering of services. The bill would permit boards to decide between themselves how the costs of the shared relationship will be apportioned.

Boards obtaining county approval would enter into a written contract with one another prior to making the appointment. The

written contract would be contingent upon finding a mutually agreeable candidate, would define the sharing relationship and would include the apportionment of costs between the districts. The districts would jointly agree on a superintendent or business administrator and would together enter into an employment contract with the person, which is to be separate from the agreement between the districts to share a superintendent or business administrator.

Upon the recorded roll call majority vote of each board, the districts would be authorized to offer the shared employee a three to five year contract expiring July 1. At the end of the term of the initial contract, the superintendent or business administrator would be deemed reappointed for another term of the same duration unless the boards were to jointly agree to reappoint the person for a different term, or unless at least one year prior to the expiration of the contract either board were to provide written notice of nonrenewal to both the shared employee and the other board. Similarly, the employment would cease if either board, at least one year prior to the expiration of the contract, gave written notice to all parties that it no longer wished to be a party to the contract for the sharing of a superintendent or school business administrator, as appropriate. In either event, the contract between the boards would be conterminous with that of the superintendent's or business administrator's contract. The fact that the shared employee's contract is terminated does not preclude an individual district from offering the employee employment.

The initial terms and conditions of the employment contract between the two boards and the school business administrator would be determined by both boards, in consultation with the superintendents of the respective districts. The terms and conditions of the employment contract between the two boards and the superintendent, would be determined by both boards and the superintendent within guidelines to be set by the State Board of Education. The terms would be maintained for the life of the contract. Boards may mutually agree to provide additional benefits or compensation during the life of the contract, but if agreement is not possible, an individual board could do so, and would bear the sole responsibility for the cost of such additional benefits. Each district would have an individual obligation to evaluate the superintendent. The county superintendent would serve as an arbitrator over any disputes arising over the interpretation of the employment contract.

The committee amended the bill to clarify the distinction between a shared service arrangement for a school business administrator and any subcontracting arrangement which may be authorized under the "Interlocal Services Act," P.L.1973, c.208. The amendments also eliminate the requirement that school districts which want to share a school business administrator submit a detailed report the county superintendent of schools prior to his approval of the arrangement. Under the amendments the decision to share a school business administrator would be made jointly by the boards of education of the

districts in consultation with the superintendent of the respective districts.

The amendments also clarify the fact that shared positions are non-tenurable but provide that if an individual from within one of the school districts is appointed to the shared position, he will retain all tenure rights accrued in the positions in which he previously served in the district. Finally, the amendments provide that if a contract between boards of education is terminated because the superintendent or school business administrator will not be reappointed at the end of the term of employment, the boards will not be required to submit a report or receive the approval of the county superintendent if they decide to enter into a new contract for the same shared position for which the boards previously received approval.