

ASSEMBLY, No. 2855

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1997

By Assemblymen CARABALLO and STANLEY

1 AN ACT concerning State-operated school districts and amending
2 P.L.1987, c.399.

3

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

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7 1. Section 14 of P.L.1987, c.399 (C.18A:7A-47) is amended to
8 read as follows:

9 14. Within 60 days, the commissioner shall establish a board of
10 education consisting of not more than 15 persons from among the
11 residents of the district. The membership of the board shall be
12 representative of the community's racial and ethnic balance. Previous
13 members of the board of education shall not be precluded from
14 consideration for membership on this board. Of the 15 members, 13
15 shall be appointed by the commissioner and two shall be appointed by
16 the local governing body of the municipality in which the school
17 district is located. If the school district includes more than one
18 municipality, then the governing body of each constituent municipality
19 shall have one appointment to the board and the number of
20 appointments by the commissioner shall be reduced accordingly. If the
21 local governing body fails to agree upon the selection of board
22 members within 60 days of the establishment of the State-operated
23 school district, then the commissioner may make the additional two
24 appointments. Any vacancies on the board shall be filled by the
25 appropriate appointing authority within 45 days of the occurrence of
26 the vacancy. All individuals appointed to the board shall meet all of
27 the statutory requirements for membership on a board of education
28 and shall be required to attend all meetings of the board, all meetings
29 of standing board committees to which the member is appointed, and
30 all in-service training sessions provided for board members. [Any
31 member of the board who, during the course of any school year, fails
32 to attend eighty percent of all meetings of the board and of standing
33 board committees and in-service training sessions shall be removed
34 upon recommendation of the State district superintendent to the

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 appropriate appointing authority. Members of the board of education
2 shall serve for two-year terms, unless removed from the board as
3 provided herein.] The board shall meet as soon as may be possible
4 after its appointment and shall select a chairman and a vice-chairman
5 from among its members.

6 The State district superintendent shall meet with the board of
7 education at least once in each month and may meet more frequently
8 as necessary for the effective operation of the school district. The
9 meetings of the board shall be convened and scheduled at the direction
10 of the State district superintendent, and the State district
11 superintendent shall determine the agenda. At the meetings, the State
12 district superintendent shall report to the board on all actions taken
13 and on pending actions in a timely fashion, and provide an opportunity
14 for a full discussion by the board and by the public of those actions.
15 Meetings shall be conducted pursuant to the provisions of the "Open
16 Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.). [On a
17 regular basis, but no less than twice each year, the board of education
18 shall report in writing directly to the State district superintendent
19 concerning its assessment of the progress of the district. Copies of the
20 report shall be forwarded to the commissioner and the State board.]
21 The State district superintendent shall make such clerical and other
22 resources available as are necessary for the effective operation of the
23 board of education.

24 [The commissioner, in consultation with the New Jersey School
25 Boards Association, shall provide the members of the board of
26 education with appropriate in-service training in school matters.]
27 (cf: P.L.1995,c.179,s.4)

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29 2. Section 15 of P.L.1987, c.399 (C.18A:7A-48) is amended to
30 read as follows:

31 15. a. [At the April school election in the fourth full academic year
32 following the creation of a State-operated school district, nine board
33 members shall be elected from among the 15 appointed board
34 members, three to serve a one-year term, three to serve a two-year
35 term, and three to serve a three-year term. If there are not nine
36 members from the 15 appointed members who are willing to run for
37 election, the commissioner shall retain the right to appoint the
38 remaining members of the board. In each subsequent year, board
39 members shall be elected from the community at large.] The local
40 board of education shall be reestablished no sooner than six months
41 following the creation of the State-operated school district in the same
42 manner as the local board of education was established prior to the
43 creation of the State-operated school district. In the case of an elected
44 board of education, the election shall be held on the first scheduled
45 school election date following the sixth month of State operation. In
46 the case of an appointed board of education, the appointments shall be

1 made on the date specified pursuant to N.J.S.18A:12-8, as
2 appropriate, following the sixth month of State operation. The initial
3 terms of the members who are elected or appointed shall be staggered
4 in order to provide the same number of members to be elected or
5 appointed each year as were elected or appointed each year prior to
6 State operation.

7 b. [Beginning in the second year of State operation, the State
8 district superintendent shall bring matters of curriculum before the
9 board and may bring other matters before the board for a vote.
10 Beginning in the third year of State operation, the State district
11 superintendent shall bring legal matters before the board for a vote.
12 Beginning in the fourth year of State operation, the State district
13 superintendent shall bring fiscal matters before the board for a vote.
14 However, the State district superintendent shall retain veto power until
15 the reestablishment of local control.] Following the reestablishment
16 of the local board of education, the board shall appoint an executive
17 committee composed of three members. The State district
18 superintendent shall submit to the executive committee all personnel,
19 administrative, legal, and fiscal matters prior to implementation. After
20 consideration of the matters, the committee may submit its comments
21 and non-binding recommendations to the superintendent. The
22 superintendent shall not proceed with the implementation of a policy
23 or program related to personnel, administrative, legal, or fiscal
24 matters until the committee has submitted its comments or non-binding
25 recommendations; provided that the superintendent may proceed with
26 the implementation of a policy or program if the committee does not
27 respond within seven days. The State district superintendent shall
28 submit any matter pertaining to curriculum to the full board for a vote
29 prior to implementation.

30 (cf: P.L. 1995,c.179,s.5)

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32 3. Section 16 of P.L.1987, c.399 (C.18A:7A-49) is amended to
33 read as follows:

34 16. a. The State district superintendent shall annually provide to
35 the commissioner an assessment of the progress of the district toward
36 meeting the requirements necessary for State certification. In addition,
37 the commissioner shall ensure that the district is regularly monitored
38 by the Department of Education in the manner provided for all school
39 districts in level III monitoring pursuant to section 14 of P.L.1975,
40 c.212 (C.18A:7A-14). The commissioner shall formally report to the
41 State board and to the Governor and the Legislature on the district's
42 progress.

43 b. Based upon the annual assessment of progress and the district's
44 having received State certification, but not sooner than five years after
45 the establishment of the State-operated school district, the
46 commissioner may recommend to the State board that local control be

1 reestablished. If the State board so determines, local control shall be
2 reestablished effective on the July 1 next ensuing.

3 c. Upon the reestablishment of local control, the board of
4 education shall assume full responsibility for the operation of the
5 school district; however, the State district superintendent and those
6 members of the superintendent's staff appointed by operation of these
7 laws relating to State-operated school districts shall continue to serve
8 for a one-year transition period upon conclusion of which their term
9 of service shall expire without prejudice to the right of the district
10 board of education to reappoint any or all such persons to similar
11 positions within the district. During the transition period, the State
12 district superintendent may place matters before the board for a vote.
13 The board of education shall act upon all such matters brought before
14 it by the State district superintendent.

15 d. [Not more than one year following the reestablishment of local
16 control, the board shall call a special election for purposes of placing
17 the question of classification status before the voters of the district,
18 which election shall be conducted in accordance with the provisions of
19 Title 19 of the Revised Statutes concerning school elections.] (Deleted
20 by amendment, P.L., c.).

21 e. [If the voters of the district shall elect to become a type I
22 district, it shall be governed by the provisions of chapter 9 of Title
23 18A of the New Jersey Statutes relating to type I districts after
24 January 31 next ensuing, unless the district is established in a city of
25 the first class, in which case it shall be governed after June 30 next
26 ensuing. The members of the district board of education at the time
27 of said election shall continue in office until expiration of their
28 respective terms and the qualification in office of their successors.]
29 (Deleted by amendment, P.L., c.).

30 f. [If the voters of the district shall so select that the district shall
31 become a type II district, it shall be governed by the provisions of
32 chapter 9 of Title 18A relating to type II districts and the members of
33 the board of education at the time of said election shall remain and
34 continue in office until the expiration of their respective terms and the
35 qualification of their respective successors.](Deleted by amendment,
36 P.L., c.).

37 g. If the commissioner cannot recommend that local control be
38 reestablished in a district five years after the establishment of a
39 State-operated school district, then the commissioner shall provide a
40 comprehensive report to the State board and to the Governor and the
41 Legislature, including a detailed analysis of the causes for the failure
42 of the district to achieve certification and an assessment of the amount
43 of time necessary for the continuation of the State-operated school
44 district. On the basis of that report the State board shall determine
45 whether to continue the State-operated school district or return the

1 district to local control pursuant to this section.
2 (cf: P.L.1995,c.278,s.25)

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4 4. This act shall take effect immediately.

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STATEMENT

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9 This bill revises the statutes governing the operation of a State-
10 operated school district to provide that the local board of education
11 would be reestablished six months after the creation of the State-
12 operated district in the same manner as the local board of education
13 was established prior to the creation of the State-operated school
14 district. In the case of an elected board of education, the election
15 would be held on the first scheduled school election date following
16 the sixth month of State operation. In the case of an appointed board
17 of education, the appointments would be made on the date specified
18 by statute following the sixth month of State operation. The initial
19 terms of the members who are elected or appointed would be
20 staggered in order to provide the same number of members to be
21 elected or appointed each year as were elected or appointed each year
22 prior to State operation.

23 The bill also provides that following the reestablishment of the
24 local board of education, the board would appoint an executive
25 committee composed of three members. The State district
26 superintendent would be required to submit to the executive
27 committee all personnel, administrative, legal, and fiscal matters prior
28 to implementation. After consideration of the matters, the committee
29 could submit its comments and non-binding recommendations to the
30 superintendent. The superintendent may not proceed with the
31 implementation of a policy or program related to personnel,
32 administrative, legal, or fiscal matters until the committee has
33 submitted its comments or non-binding recommendations; provided
34 that the superintendent could proceed with the implementation of a
35 policy or program if the committee does not respond within seven
36 days. The State district superintendent would submit any matter
37 pertaining to curriculum to the full board for a vote prior to
38 implementation.

39 Under the current statutes, a local board is elected at the annual
40 school election in the fourth year following the creation of a State-
41 operated school district, and one year following the reestablishment of
42 local control, a special election is held to determine whether the school
43 district will have an appointed or elected board of education.

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3 Provides for reestablishment of local school board six months after
4 creation of State-operated school district.