

SENATE, No. 371

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators MacINNES and EWING

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, principal, vice-principal,
13 assistant principal, director, supervisor, and any other position
14 requiring the supervisory endorsement.

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16 2. (New section) All individuals appointed to an administrative
17 position by a board of education shall be appointed by contract for a
18 term of not less than three nor more than five years and expiring on
19 July 1.

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21 3. (New section) At the conclusion of the term of an initial
22 contract or of any subsequent contract as hereinafter provided, an
23 individual in an administrative position shall be deemed reappointed
24 for another contracted term of the same duration as the previous
25 contract unless either a. the board by contract reappoints the
26 individual for a different term which term shall be not less than three
27 nor more than five years, in which event reappointments thereafter
28 shall be deemed for the new term unless a different term is again
29 specified, or b. at least 60 days prior to the expiration of the first or
30 any subsequent contract the board shall notify the individual in writing
31 that he will not be reappointed at the end of the current term, in which
32 event his employment shall cease at the expiration of that term.

33 4. (New section) Every individual in an administrative position
34 shall hold tenure in that office during the term of any employment

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

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

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18 5. (New section) Nothing in this section or in this act shall affect
19 any tenure rights which shall have already accrued to any individual in
20 an administrative position prior to the effective date of this
21 amendatory and supplementary act. An individual who accepts an
22 administrative position in a district after the effective date of this
23 amendatory and supplementary act shall retain all tenure rights accrued
24 in any position, other than an administrative position, which was
25 previously held by the person in that district.

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

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

33 18A:17-2. [a. Any secretary, assistant secretary, school business
34 administrator or business manager of a board of education of any
35 school district who has or shall have devoted his full time to the duties
36 of his office and has or shall have served therein for three consecutive
37 calendar years, and

38 b.] Any person holding any secretarial or clerical position or
39 employment under a board of education of any school district or under
40 any officer thereof, after

41 1. The expiration of a period of employment of three consecutive
42 calendar years in the district or such shorter period as may be fixed by
43 the board or officer employing him, or

44 2. Employment for three consecutive academic years, together with
45 employment at the beginning of the next succeeding academic year, an
46 academic year being the period between the time when school opens

1 in the district after the general summer vacation and the beginning of
2 the next succeeding summer vacation[, and

3 c. Any person, who has acquired, or shall hereafter acquire, tenure
4 in any secretarial or clerical office, position or employment under the
5 board of education of a school district and has been appointed district
6 clerk or secretary, or shall hereafter be appointed secretary of said
7 district, as such secretary,]shall hold his office, position or
8 employment under tenure during good behavior and efficiency and
9 shall not be dismissed or suspended or reduced in compensation,
10 except for neglect, misbehavior or other offense and only in the
11 manner prescribed by subarticle B of article 2 of chapter 6 of this title.
12 (cf: N.J.S.18A:17-2)

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

15 18A:17-16. The board or boards of education of any school district
16 or school districts having a superintendent of schools may, by
17 contract, upon nomination of the superintendent, by a recorded roll
18 call majority vote of the full membership, of the board or of each of
19 such boards, appoint assistant superintendents of schools for a term of
20 not less than three nor more than five years and expiring on July 1.
21 They may be removed by a like vote of the members of the board or
22 of each board employing them, subject to the provisions of [chapter 28
23 of this title] P.L. _____, c. (C. _____) (now pending in the Legislature
24 as this bill).

25 (cf: N.J.S.18A:17-16)

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

28 18A:28-5. The services of all teaching staff members including all
29 teachers[, principals other than administrative principals, assistant
30 principals, vice principals, assistant superintendents,]and all school
31 nurses including school nurse supervisors, head school nurses, chief
32 school nurses, school nurse coordinators, and any other nurse
33 performing school nursing services and such other employees as are in
34 positions which require them to hold appropriate certificates issued by
35 the board of examiners, serving in any school district or under any
36 board of education, excepting those who are in administrative
37 positions as defined pursuant to section 1 of P.L. _____, c. _____
38 (now pending in the Legislature as this bill) and those who are not the
39 holders of proper certificates in full force and effect, shall be under
40 tenure during good behavior and efficiency and they shall not be
41 dismissed or reduced in compensation except for inefficiency,
42 incapacity, or conduct unbecoming such a teaching staff member or
43 other just cause and then only in the manner prescribed by subarticle
44 B of article 2 of chapter 6 of this Title, after employment in such
45 district or by such board for:

46 (a) Three consecutive calendar years, or any shorter period which

1 may be fixed by the employing board for such purpose; or

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

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

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

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8 10. N.J.S.18A:17-14.3 is repealed.

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10 11. This act shall take effect immediately.

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