

SENATE, No. 1035

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Senator LYNCH

1 AN ACT concerning contracts for administrative personnel in the
2 public schools, supplementing chapter 17 of Title 18A of the New
3 Jersey Statutes 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) a. A person appointed to an administrative
17 position by a board of education shall be appointed by contract for an
18 initial term of three years and expiring on July 1.

19 b. At the conclusion of the initial contract, the person shall be
20 deemed reappointed by contract for a term of five years and expiring
21 on July 1 unless the board at least 60 days prior to the expiration of
22 the contract notifies the person in writing that the person will not be
23 reappointed at the end of the term, in which event the person's
24 employment shall cease at the expiration of that term.

25 c. At the conclusion of the five-year contract, the person shall be
26 deemed reappointed by contract for a term of seven years and expiring
27 on July 1 unless the board at least 60 days prior to the expiration of
28 the contract notifies the person in writing that the person will not be
29 reappointed at the end of the term, in which event the person's
30 employment shall cease at the expiration of that term.

31 d. At the conclusion of the seven-year contract, the person shall be
32 deemed reappointed by contract for a term of 10 years and expiring on
33 July 1 unless the board at least 60 days prior to the expiration of the
34 contract notifies the person in writing that the person will not be

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 reappointed at the end of the term, in which event the person's
2 employment shall cease at the expiration of that term.

3 e. At the conclusion of the 10-year contract, the person shall be
4 deemed reappointed by contract for an unlimited term unless the board
5 at least 60 days prior to the expiration of the contract notifies the
6 person in writing that the person will not be reappointed at the end of
7 the term, in which event the person's employment shall cease at the
8 expiration of that term.

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10 3. (New section) Each person in an administrative position shall
11 hold tenure in that office during the term of any employment contract
12 with the board, and during tenure the person shall not be dismissed or
13 reduced in compensation except for inefficiency, incapacity, or
14 conduct unbecoming an administrator or other just cause and then only
15 in the manner prescribed by subarticle B of article 2 of chapter 6 of
16 Title 18A of the New Jersey Statutes.

17 Notwithstanding any other provision of this act to the contrary, the
18 board of education shall have the right at any time, by the recorded
19 roll call majority vote of the full membership of the board, to terminate
20 the contract and the corresponding tenure of a person in an
21 administrative position granted pursuant to this act upon paying the
22 full amount of compensation which the person would have received
23 had the person served the remaining period of a contract, and the
24 amount of compensation the person would have received had the
25 person served during the period of any contract for which the person
26 is deemed to have been reappointed in accordance with the provisions
27 of this amendatory and supplementary act.

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29 4. (New section) Nothing in this act shall affect any tenure rights
30 which shall have already accrued to any person in an administrative
31 position prior to the effective date of P.L. ,c. (C.) (now pending
32 before the Legislature as this bill). A person who accepts an
33 administrative position in a district on or after the effective date of that
34 act shall retain all tenure rights accrued in any position, other than an
35 administrative position, which was previously held by the person in
36 that district.

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38 5. (New section) This act shall not impair the validity of any
39 contract of employment between a board of education and a person in
40 an administrative position which was entered into prior to the effective
41 date of this amendatory and supplementary act.

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

44 18A:17-2. [a. Any secretary, assistant secretary, school business
45 administrator or business manager of a board of education of any
46 school district who has or shall have devoted his full time to the duties

1 of his office and has or shall have served therein for three consecutive
2 calendar years, and

3 b.] Any person holding any secretarial or clerical position or
4 employment under a board of education of any school district or under
5 any officer thereof, after

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

9 2. Employment for three consecutive academic years, together with
10 employment at the beginning of the next succeeding academic year, an
11 academic year being the period between the time when school opens
12 in the district after the general summer vacation and the beginning of
13 the next succeeding summer vacation[, and

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

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

26 18A:17-16. The board or boards of education of any school district
27 or school districts having a superintendent of schools may, upon
28 nomination of the superintendent, by a recorded roll call majority vote
29 of the full membership, of the board or of each of such boards, appoint
30 assistant superintendents of schools by contract.[. They may be
31 removed by a like vote of the members of the board or of each board
32 employing them,]subject to the provisions of [chapter 28 of this title]
33 P.L. _____, c. (C. _____) (now pending before the Legislature as this
34 bill).

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

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

38 18A:28-5. The services of all teaching staff members including all
39 teachers[, principals other than administrative principals, assistant
40 principals, vice principals, assistant superintendents,]and all school
41 nurses including school nurse supervisors, head school nurses, chief
42 school nurses, school nurse coordinators, and any other nurse
43 performing school nursing services and such other employees as are in
44 positions which require them to hold appropriate certificates issued by
45 the board of examiners, serving in any school district or under any
46 board of education, excepting those who are in administrative

1 positions as defined pursuant to section 1 of P.L. _____, c. _____ (C. _____)
 2 (now pending before the Legislature as this bill) and those who are not
 3 the holders of proper certificates in full force and effect, shall be under
 4 tenure during good behavior and efficiency and they shall not be
 5 dismissed or reduced in compensation except for inefficiency,
 6 incapacity, or conduct unbecoming such a teaching staff member or
 7 other just cause and then only in the manner prescribed by subarticle
 8 B of article 2 of chapter 6 of this Title, after employment in such
 9 district or by such board for:

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

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

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

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

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

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20 10. This act shall take effect immediately.

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STATEMENT

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25 This bill provides contractual tenure for employees of school boards
 26 who are appointed to administrative positions, including such positions
 27 as assistant superintendent, school business administrator, principal,
 28 director and supervisor. Under the bill, a person would be appointed
 29 to an administrative position for an initial term of three years. At the
 30 conclusion of the contract, the person would be deemed reappointed
 31 for a contract of five years unless the board of education notified the
 32 person at least 60 days prior to the expiration of the contract that the
 33 person would not be reappointed. After the contract of five years, the
 34 person could be reappointed for a term of seven years followed by a
 35 term of 10 years. At the conclusion of the 10-year term, the person
 36 could receive an unlimited contract.

37 The bill provides tenure rights during the terms of the contracts,
 38 and does not affect the tenure rights which have already accrued to a
 39 person in an administrative position.

40 A section of law which currently provides tenure for school
 41 business administrators is repealed.

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45 Provides tenure by contracts of specified terms for certain employees
 46 of school boards in administrative positions.