

SENATE, No. 1180

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Senators PALAIA and EWING

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 of Title 18A of the New Jersey Statutes.

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

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8 1. N.J.S.18A:17-14.1 is amended to read as follows:

9 18A:17-14.1. A board or the boards of two or more districts may,
10 under rules and regulations prescribed by the state board, appoint a
11 school business administrator by a majority vote of all the members of
12 the board, define his duties, which may include serving as secretary of
13 one of the boards, and fix his salary, whenever the necessity for such
14 appointment shall have been agreed to by the county superintendent of
15 schools or the county superintendents of schools of the counties in
16 which the districts are situate and approved by the commissioner and
17 the state board. [No] A school business administrator shall be
18 appointed [except] in the manner provided in this section , however
19 when the boards of education of two or more school districts
20 determine to share a school business administrator, the appointment
21 shall comply with the provisions of section 4 of P.L. , c. (C.)
22 (now pending before the Legislature as this bill).

23 Nothing in P.L. , c. (C.) (now pending before the Legislature
24 as this bill) shall prohibit a school district from subcontracting its
25 school business administrator to another school district pursuant to the
26 provisions of P.L.1973, c.208 (C.40:8A-1 et seq.) , in which case
27 credit toward tenure acquisition shall accrue only in the primary
28 district of employment. The provisions of P.L. , c. (C.)
29 (now pending before the Legislature as this bill) concerning the
30 arrangement to share a school business administrator by two or more
31 school districts shall not apply when a school district subcontracts its
32 school business administrator to another school district.

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34 2. N.J.S.18A:17-15 is amended to read as follows:

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 18A:17-15. The board of education of a Type I district and of any
2 Type II district, now having or hereafter authorized to have a
3 superintendent of schools, may, by contract appoint, for a term of not
4 less than three nor more than five years and expiring July 1, a
5 superintendent of schools by the recorded roll call majority vote of the
6 full membership of the board.

7 A superintendent of schools may be appointed for a like term also
8 in any other Type II district or in any other two or more Type II
9 districts as follows:

10 Application for the establishment of the office of superintendent of
11 schools for ~~[the]~~ a district or for two or more districts which
12 determine to share a superintendent shall be made to the county
13 superintendent of the county or the county superintendent of each of
14 the counties in which such district or districts are situate and if said
15 application is agreed to in writing by such county superintendent or
16 county superintendents and shall be approved by the commissioner and
17 the State board, the board of education of such a district so applying
18 may appoint a superintendent of schools for a single district in the
19 manner hereinbefore provided [or the commissioner shall appoint,
20 subject to the approval of the State board, a superintendent of schools
21 for two or more districts making such application and the State board
22 shall apportion the expense of maintaining such a superintendent in
23 more than one district equitably between the districts] or may appoint
24 a superintendent for two or more districts in the manner provided by
25 section 4 of P.L. , c. (C.)(now pending before the Legislature
26 as this bill).

27 (cf: P.L.1991, c.267, s.1)

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

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

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

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

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

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

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9 4. (New section) The boards of education of two or more school
10 districts may share a superintendent or a school business administrator,
11 or both. A shared superintendent or business administrator shall be
12 subject to the same rules governing eligibility for employment as are
13 superintendents or business administrators of a single district. The
14 decision to share a school business administrator shall be made jointly
15 by the boards of education of the districts, in consultation with the
16 superintendents of the respective districts subject to the final approval
17 of the county superintendent or superintendents . The decision to
18 share a superintendent shall be made jointly by the boards of education
19 of the districts, subject to the final approval of the county
20 superintendent or superintendents, as follows:

21 a. Should two or more districts, after careful study and
22 opportunity for community input, decide to share a superintendent, the
23 districts shall mutually prepare a report for submission to the county
24 superintendent or county superintendents if the districts are in different
25 counties. The report shall outline the anticipated advantages to the
26 districts and the feasibility of a shared arrangement. The report shall
27 set forth a plan explaining how the shared arrangement will operate,
28 and shall also address such items as community support for the
29 arrangement, effect on services to the respective districts, division of
30 the superintendent's time between the districts, availability of
31 administrative backup, likelihood of situations creating conflict of
32 interest, and financial advantages of the arrangement.

33 b. The county superintendent or superintendents shall grant
34 approval of a shared superintendent arrangement based on guidelines
35 which may be established by the Commissioner of Education.

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

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38 5. (New section) Any boards obtaining the approval of the county
39 superintendent or superintendents may contract with one another for
40 the sharing of a superintendent or school business administrator. The
41 contract shall be in writing and shall address the responsibilities of
42 each district under the sharing relationship, including the
43 apportionment of costs. The agreement shall be made contingent upon
44 the districts' mutual agreement on a candidate to fill the shared
45 position and shall be conterminous with the superintendent's or
46 business administrator's employment contract.

1 a. The school districts shall together agree on how the initial costs
2 of sharing a superintendent or business administrator shall be
3 apportioned, which apportionment shall be expressed as a percentage
4 for each district, and shall include the cost of salaries and benefits.

5 b. At least one year prior to the expiration of the first or any
6 subsequent contract between school boards sharing a superintendent
7 or business administrator, a board wishing to terminate the contract
8 shall notify, in writing, the other board or boards and the
9 superintendent or business administrator, that it wishes to terminate
10 the contract.

11 c. Should a board give a notice of termination, the contract
12 between the boards shall be terminated at the expiration of that term
13 and the superintendent or business administrator shall not be
14 reappointed by the joint boards at the end of the current term.
15 However, the termination shall not preclude a board from reemploying
16 the superintendent or business administrator on an individual basis.

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18 6. (New section) The boards of education may, by contract,
19 appoint a shared superintendent or school business administrator, for
20 a term of not less than three nor more than five years and expiring
21 July 1, by the recorded roll call majority vote of the membership of
22 each board. At the conclusion of the term of the initial contract or of
23 any subsequent contract, the superintendent or business administrator
24 shall be deemed reappointed for another contracted term of the same
25 duration as the previous contract unless either:

26 a. The boards shall together agree to reappoint the person by
27 contract for a different term, which term shall not be less than three
28 nor more than five years in which event reappointments thereafter shall
29 be deemed for the new term unless a different term is again specified;
30 or

31 b. At least one year prior to the expiration of the first or any
32 subsequent contract a board shall notify the superintendent or
33 business administrator and the other board or boards in writing that
34 the person will not be reappointed at the end of the current term, in
35 which event the person's employment shall cease at the expiration of
36 that term. The contract between the boards shall also be terminated.
37 However, the termination shall not preclude any board from
38 reemploying the superintendent or business administrator on an
39 individual basis. If a contract between boards of education is
40 terminated because the superintendent or business administrator is
41 not reappointed at the end of the term of employment, and the boards
42 involved in the previous sharing relationship determine to enter into a
43 new contract, the boards shall not be required to prepare and submit
44 a report or receive the approval of the county superintendent or
45 superintendents of schools if the new contract is for the same shared
46 position for which the boards previously received approval.

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

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8 8. (New section) The position of shared superintendent or shared
9 business administrator shall not be a tenurable position. If two or
10 more boards of education appoint an individual from within one of the
11 school districts to a shared position, the individual shall retain all
12 tenure rights accrued in the positions in which he previously served
13 within the district. However, in no event shall the districts be required
14 to appoint a tenured individual from within any of the districts to fill
15 a shared position.

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17 9. (New section) The initial terms and conditions of the
18 employment contract between the boards and the superintendent or
19 school business administrator shall be determined by the boards and
20 the superintendent or business administrator. The terms shall be
21 maintained for the life of the contract. The Commissioner of
22 Education may establish guidelines governing the initial terms and
23 conditions of the employment contract between the boards and a
24 superintendent.

25 Boards may mutually agree to provide additional benefits or
26 compensation during the life of the superintendent's or business
27 administrator's contract, but if agreement is not possible, an individual
28 board may do so unilaterally based upon the superintendent's or
29 business administrator's performance and the needs of the district, and
30 the responsibility for the cost of the additional benefits shall rest solely
31 with that individual board.

32
33 10. (New section) Each district shall ensure that the shared
34 superintendent or school business administrator is evaluated
35 individually in that district, in accordance with statute and regulation.

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37 11. (New section) The county superintendent or superintendents
38 if the districts are in different counties shall serve as the arbitrator
39 over any disputes arising over the interpretation of the contract
40 between the boards of education sharing a superintendent or a school
41 business administrator.

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43 12. (New section) The provisions of P.L. , c. (C.) (now
44 pending before the Legislature as this bill) shall govern the sharing of
45 a superintendent or school business administrator by two or more
46 boards of education and shall not be deemed inconsistent with the

1 provisions of P.L.1973, c.208 (C.40:8A-1 et seq.) insofar as that act
2 may authorize the subcontracting of school district administrative
3 services.

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5 13. This act shall take effect immediately.

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STATEMENT

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

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

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

41 Boards obtaining county approval would enter into a written
42 contract with one another prior to making the appointment. The
43 written contract would be contingent upon finding a mutually
44 agreeable candidate, would define the sharing relationship and would
45 include the apportionment of costs between the districts. The districts
46 would jointly agree on a superintendent or business administrator and

1 would together enter into an employment contract with the person,
2 which is to be separate from the agreement between the districts to
3 share a superintendent or business administrator.

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

21 The initial terms and conditions of the employment contract
22 between the two boards and the superintendent or school business
23 administrator, would be determined by both boards and the
24 superintendent or school business administrator. The terms would be
25 maintained for the life of the contract. Boards may mutually agree to
26 provide additional benefits or compensation during the life of the
27 contract, but if agreement is not possible, an individual board could
28 do so, and would bear the sole responsibility for the cost of such
29 additional benefits. Each district would have an individual obligation
30 to evaluate the superintendent or business administrator. The county
31 superintendent would serve as an arbitrator over any disputes arising
32 over the interpretation of the employment contract.

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37 Provides procedure for school districts which determine to share the
38 services of a superintendent or business administrator.