

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1180

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 1996

The Senate Education Committee reports favorably Senate Bill No. 1180 with committee amendments.

As amended, 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 which were 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, if two or more districts, after careful study and opportunity for community input, decide to share a superintendent or school business administrator, the districts would mutually prepare a report for submission to the county superintendent describing both how the shared relationship would operate and its projected impact on the districts' effective rendering of services. The county superintendent would review the plan and forward a recommendation to the Commissioner of Education who would approve or disapprove the plan.

Boards obtaining approval of the commissioner 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. Any candidate for a shared position must hold a standard certificate as appropriate.

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. Upon the expiration of a contract, the boards would submit a report to the county superintendent evaluating the sharing relationship and the feasibility of voluntary regionalization.

Boards may mutually agree to provide additional benefits or compensation during the life of a 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 or business administrator. The county superintendent would serve as a mediator for any disputes arising over the interpretation of the employment contract. Under the bill, the employment of a shared superintendent or school business administrator would be effective on July 1, 1997 and thereafter.

Amendments were adopted which: 1) give the Commissioner of Education, rather than a county superintendent, the authority to approve a shared arrangement; 2) require a candidate for a shared relationship to have a standard certificate; 3) require participating boards to submit a report evaluating the relationship and the feasibility of voluntary regionalization; 4) revise the role of the county superintendent from arbitrator to mediator in case of disputes; and 5) permit the employment of a shared superintendent or school business administrator on July 1, 1997 and thereafter.

As amended, this bill is identical to A1397 (2R) with Senate committee amendments.