

ASSEMBLY, No. 282

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

SYNOPSIS

Requires executive county superintendents to submit school district consolidation plan to Commissioner of Education within one year and every five years thereafter and commissioner to approve or modify plan within six months of submission.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning school district consolidation and amending
2 N.J.S.18A:7-8.

3

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

6

7 1. N.J.S.18A:7-8 is amended to read as follows:

8 18A:7-8. Each executive county superintendent shall:

9 a. Visit and examine from time to time all of the schools under
10 his general supervision and exercise general supervision over them
11 in accordance with the rules prescribed from time to time by the
12 State board;

13 b. Keep himself informed as to the management, methods of
14 instruction and discipline and the courses of study and textbooks in
15 use, the condition of the school libraries, and the condition of the
16 real and personal property, particularly in respect to the
17 construction, heating, ventilation and lighting of school buildings,
18 in the local districts under his general supervision, and make
19 recommendations in connection therewith;

20 c. Advise with and counsel the boards of education of the local
21 districts under his general supervision and of any other district of
22 the county when so requested, in relation to the performance of
23 their duties;

24 d. Promote administrative and operational efficiencies and cost
25 savings within the school districts in the county while ensuring that
26 the districts provide a thorough and efficient system of education;

27 e. Based on standards adopted by the commissioner,
28 recommend to the commissioner, who is hereby granted the
29 authority to effectuate those recommendations, that certain school
30 districts be required to enter arrangements with one or more other
31 school districts or educational services commissions for the
32 consolidation of the district's administrative services;

33 f. Recommend to the commissioner the elimination of laws the
34 executive county superintendent determines to be unnecessary State
35 education mandates, other than the categories of laws set forth in
36 section 3 of P.L.1996, c.24 (C.52:13H-3);

37 g. Eliminate districts located in the county that are not
38 operating schools on the effective date of P.L.2009, c.78 (C.18A:8-
39 43 et al.), in accordance with a plan and schedule included in the
40 plan submitted to and approved by the commissioner;

41 h. No later than **【three years following the effective date of**
42 **sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.)】** one year
43 following the effective date of P.L. , c. (pending before the
44 Legislature as this bill) and every five years thereafter, recommend

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 to the commissioner a school district consolidation plan to eliminate
2 all districts, other than county-based districts and other than
3 preschool or kindergarten through grade 12 districts in the county,
4 through the establishment or enlargement of regional school
5 districts. The commissioner shall review each plan and act to
6 approve or modify the plan within six months of its submission.
7 After the approval or modification of the plan by the commissioner,
8 the executive county superintendent shall require each board of
9 education covered by a proposal in the plan to conduct a special
10 school election, at a time to be determined by the executive county
11 superintendent, and submit thereat the question whether or not the
12 executive county superintendent's proposal for the regionalization
13 of the school district shall be adopted. The question shall be
14 deemed adopted if it receives a vote in accordance with the
15 provisions of N.J.S.18A:13-5. If the question is adopted by the
16 voters, then the regional district shall be established or enlarged in
17 accordance with chapter 13 of Title 18A of the New Jersey Statutes;

18 i. Promote coordination and regionalization of pupil
19 transportation services through means such as reviewing bus routes
20 and schedules of school districts and nonpublic schools within the
21 county;

22 j. Review and approve, according to standards adopted by the
23 commissioner, all employment contracts for superintendents of
24 schools, assistant superintendents of schools, and school business
25 administrators in school districts within the county, prior to the
26 execution of those contracts;

27 k. Request the commissioner to order a forensic audit and to
28 select an auditor for any school district in the county upon the
29 determination by the executive county superintendent, according to
30 standards adopted by the commissioner, that the accounting
31 practices in the district necessitate such an audit;

32 l. Review all school budgets of the school districts within the
33 county, and may, pursuant to section 5 of P.L.1996, c.138
34 (C.18A:7F-5), disapprove a portion of a school district's proposed
35 budget if he determines that the district has not implemented all
36 potential efficiencies in the administrative operations of the district
37 or if he determines that the budget includes excessive non-
38 instructional expenses. If the executive county superintendent
39 disapproves a portion of the school district's budget pursuant to this
40 paragraph, the school district shall deduct the disapproved amounts
41 from the budget prior to publication of the budget, and during the
42 budget year the school district shall not transfer funds back into
43 those accounts;

44 m. Permit a district to submit to the voters a separate proposal
45 or proposals for additional funds pursuant to paragraph (9) of
46 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), only if:
47 (1) the district provides the executive county superintendent with
48 written documentation that the district has made efforts to enter into

- 1 shared arrangements with other districts, municipalities, counties,
2 and other units of local government for the provision of
3 administrative, business, purchasing, public and nonpublic
4 transportation, and other required school district services; (2) the
5 district certifies and provides written documentation that the district
6 participates in on-going shared arrangements; or (3) the district
7 certifies and provides written documentation that entering such
8 shared arrangements would not result in cost savings or would
9 result in additional expenses for the district;
- 10 n. Promote cooperative purchasing within the county of
11 textbooks and other instructional materials;
- 12 o. Coordinate with the Department of Education to maintain a
13 real time Statewide and district-wide database that tracks the types
14 and capacity of special education programs being implemented by
15 each district and the number of students enrolled in each program to
16 identify program availability and needs;
- 17 p. Coordinate with the Department of Education to maintain a
18 Statewide and district-wide list of all special education students
19 served in out-of-district programs and a list of all public and private
20 entities approved to receive special education students that includes
21 pertinent information such as audit results and tuition charges;
- 22 q. Serve as a referral source for districts that do not have
23 appropriate in-district programs for special education students and
24 provide those districts with information on placement options in
25 other school districts;
- 26 r. Conduct regional planning and identification of program
27 needs for the development of in-district special education programs;
- 28 s. Serve as a liaison to facilitate shared special education
29 services within the county including, but not limited to direct
30 services, personnel development, and technical assistance;
- 31 t. Work with districts to develop in-district special education
32 programs and services including providing training in inclusive
33 education, positive behavior supports, transition to adult life, and
34 parent-professional collaboration;
- 35 u. Provide assistance to districts in budgetary planning for
36 resource realignment and reallocation to direct special education
37 resources into the classroom;
- 38 v. Report on a regular basis to the commissioner on progress in
39 achieving the goal of increasing the number of special education
40 students educated in appropriate programs with non-disabled
41 students;
- 42 w. Render a report to the commissioner annually on or before
43 September 1, in the manner and form prescribed by him, of such
44 matters relating to the schools under his jurisdiction as the
45 commissioner shall require; and
- 46 x. Perform such other duties as shall be prescribed by law.
- 47 Any budgetary action of the executive county superintendent
48 under this section may be appealed directly to the commissioner,

1 who shall render a decision within 15 days of the receipt of the
2 appeal. If the commissioner fails to issue a decision within 15 days
3 of the filing of an appeal, the budgetary action of the executive
4 county superintendent shall be deemed approved. The
5 commissioner shall by regulation establish a procedure for such
6 appeals.

7 Nothing in this section shall be construed or interpreted to
8 contravene or modify the provisions of the "New Jersey Employer-
9 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or
10 to limit or restrict the scope of negotiations as provided pursuant to
11 law, or to require an employer to enter into a subcontracting
12 agreement which affects the employment of any employee in a
13 collective bargaining unit represented by a majority representative
14 during the time that an existing collective bargaining agreement
15 with the majority representative is in effect.

16 Nothing in this section is intended to interfere with a school
17 district's ability to provide a thorough and efficient education.
18 (cf: P.L.2009, c.78, s.10)

19
20 2. This act shall take effect immediately.

21 22 23 STATEMENT

24
25 Section 49 of P.L.2007, c.63 which was approved on April 3,
26 2007, amended State law at N.J.S.18A:7-8 to enhance the
27 authorities of the executive county superintendents of schools. One
28 of the new responsibilities assigned to each executive county
29 superintendent was the requirement to recommend to the
30 Commissioner of Education, within three years of the law's
31 effective date, a school district consolidation plan to eliminate all
32 districts, other than county-based districts and preschool or
33 kindergarten through grade 12 districts in the county, through the
34 establishment or enlargement of regional school districts. After the
35 approval of the plan by the commissioner, each school district
36 covered by a proposal in the plan was to conduct a special school
37 election to submit to the voters of the district the question of
38 whether or not the regionalization proposal should be adopted.

39 In light of the fact that the process required under the law was
40 not completed, this bill amends that section of law to provide that
41 the executive county superintendent of each county must submit a
42 consolidation plan to the commissioner within one year of the bill's
43 effective date. The commissioner will be required to approve or
44 modify the plan within six months of its submission. The bill
45 maintains the requirement that upon the commissioner's approval or
46 modification of the plan, a school district covered by a proposal in
47 the plan would submit the question of regionalization to the voters
48 of the district.

1 The bill also requires that each executive county superintendent
2 will thereafter submit a consolidation plan every five years. This
3 requirement will ensure that any changes in school district
4 configurations that may have occurred over that five-year period
5 will be addressed, and that the voters of any district which may
6 have previously disapproved a regionalization plan will have a
7 subsequent opportunity to re-evaluate its merits.