ASSEMBLY, No. 560

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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District 39 (Bergen and Passaic)

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SYNOPSIS

"Empower the Principal Act"; eliminates local school superintendents and prohibits schools from having more than one assistant or vice-principal.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning school superintendents and principals, supplementing chapter 7 of Title 18A of the New Jersey Statutes, amending P.L.1996, c.111, and repealing various parts of the statutory law.

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

1. (New section) This act shall be known and may be cited as the "Empower the Principal Act."

2. (New section) a. Notwithstanding any other law or regulation to the contrary, following the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), a board of education shall not reappoint, or enter into a new employment contract for, a superintendent of schools or an assistant superintendent of schools.

The executive county superintendent of schools shall be the chief executive and administrative officer of the boards of education of the districts of the county and shall have general supervision over all aspects, including the fiscal operations and instructional programs, of the schools of the districts of the county under rules and regulations prescribed by the State Board of Education, and shall keep himself informed as to their condition and progress and shall report thereon, from time to time, to, and as directed by, the State board, and he shall have such other powers and perform such other duties as may be prescribed by the boards of education of the districts of the county.

The executive county superintendent shall have a seat on the boards of education of the districts of the county and the right to speak on all matters at meetings of the boards but shall have no vote.

b. The principal of each school in a district shall have direct oversight over the school to which the principal is assigned. A school district shall not employ more than one vice-principal or assistant principal in each school of the district.

c. Following the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), after the expiration of each superintendent's or assistant superintendent's contract, any duties, powers, or responsibilities to be performed by a superintendent of schools or an assistant superintendent of schools pursuant to any provision of law shall be performed by the executive county superintendent of the county in which the district is located, provided, however, that the executive county

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 <u>thus</u> is new matter.

superintendent shall have the authority to delegate any such duties, powers, or responsibilities to the school principals.

3. Section 4 of P.L.1996, c.111 (C.18A:17-24.1) is amended to read as follows:

4. The boards of education of two or more school districts may share [a superintendent or] a school business administrator[, or both]. A shared [superintendent or] business administrator shall be subject to the same rules governing eligibility for employment as are [superintendents or] business administrators of a single district. The decision to share a school business administrator shall be made jointly by the boards of education of the districts, [in consultation with the superintendents of the respective districts,] subject to the final approval of the Commissioner of Education. [The decision to share a superintendent shall be made jointly by the boards of education of the districts, subject to the final approval of the Commissioner of Education.] The procedure shall be as follows:

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

b. The executive county superintendent or superintendents shall review the plan and forward a recommendation to the Commissioner of Education who shall approve or disapprove the plan.

(cf: P.L.1996, c.111, s.4)

4. Section 5 of P.L.1996, c.111 (C.18A:17-24.2) is amended to read as follows:

5. Any boards obtaining the approval of the Commissioner of Education may contract with one another for the sharing of a [superintendent or] school business administrator. The contract shall be in writing and shall address the responsibilities of each district under the sharing relationship, including the apportionment of costs. The agreement shall be made contingent upon the districts' mutual agreement on a candidate to fill the shared position and shall be conterminous with the [superintendent's or] business

administrator's employment contract. A [candidate for the position of superintendent shall hold the standard certificate of school administrator and a] candidate for the position of school business administrator shall hold the standard certificate of school business administrator.

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

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

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

d. Upon the expiration of a contract between school boards sharing a [superintendent or] business administrator, the boards shall submit a report to the executive county superintendent or superintendents, which shall include an evaluation of the sharing relationship and the feasibility of voluntarily forming a regional district.

(cf: P.L.1996, c.111, s.5)

5. Section 6 of P.L.1996, c.111 (C.18A:17-24.3) is amended to read as follows:

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

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

b. At least one year prior to the expiration of the first or any subsequent contract a board shall notify the [superintendent or] business administrator and the other board or boards in writing that the person will not be reappointed at the end of the current term, in which event the person's employment shall cease at the expiration of that term. The contract between the boards shall also be terminated. However, the termination shall not preclude any board from reemploying the [superintendent or] business administrator on an individual basis. If a contract between boards of education is terminated because the [superintendent or] business administrator is not reappointed at the end of the term of employment, and the boards involved in the previous sharing relationship determine to enter into a new contract, the boards shall not be required to prepare and submit a report or receive the approval of the Commissioner of Education if the new contract is for the same shared position for which the boards previously received approval.
(cf: P.L.1996, c.111, s.6)

6. Section 7 of P.L.1996, c.111 (C.18A:17-24.4) is amended to read as follows:

7. During the term of any employment contract with the board, a shared [superintendent or] school business administrator shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming or other just cause and then only in the manner prescribed by N.J.S.18A:6-9 et seq.
(cf: P.L.1996, c.111, s.7)

7. Section 8 of P.L.1996, c.111 (C.18A:17-24.5) is amended to read as follows:

8. The position of [shared superintendent or] shared business administrator shall 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 shall retain all tenure rights accrued in the positions in which he previously served within the district. However, in no event shall the districts be required to appoint a tenured individual from within any of the districts to fill a shared position.
(cf: P.L.1996, c.111, s.8)

8. Section 9 of P.L.1996, c.111 (C.18A:17-24.6) is amended to read as follows:

9. The initial terms and conditions of the employment contract between the boards and the [superintendent or] school business administrator shall be determined by the boards and the [superintendent or] business administrator. The terms shall be maintained for the life of the contract.

Boards may mutually agree to provide additional benefits or compensation during the life of the [superintendent's or] business administrator's contract, but if agreement is not possible, an individual board may do so unilaterally based upon the [superintendent's or] business administrator's performance and the needs of the district, and the responsibility for the cost of the additional benefits shall rest solely with that individual board.
(cf: P.L.1996, c.111, s.9)

9. Section 10 of P.L.1996, c.111 (C.18A:17-24.7) is amended to read as follows:

10. Each district shall ensure that the shared [superintendent or] school business administrator is evaluated individually in that district, in accordance with statute and regulation.
(cf: P.L.1996, c.111, s.10)

10. Section 11 of P.L.1996, c.111 (C.18A:17-24.8) is amended to read as follows:

11. The executive county superintendent or superintendents if the districts are in different counties shall serve as a mediator for any disputes arising over the interpretation of the contract between the boards of education sharing [a superintendent or] a school business administrator.
(cf: P.L.1996, c.111, s.11)

11. Section 12 of P.L.1996, c.111 (C.18A:17-24.9) is amended to read as follows:

12. The provisions of P.L.1996, c.111 (C.18A:17-24.1 et al.) shall govern the sharing of a [superintendent or] school business administrator by two or more boards of education and shall not be deemed inconsistent with the provisions of P.L.1973, c.208 (C.40:8A-1 et seq.) insofar as that act may authorize the subcontracting of school district administrative services.
(cf: P.L.1996, c.111, s.12)

12. The following sections are repealed:
N.J.S.18A:17-15 through N.J.S.18A:17-24;
Sections 6 and 7 of P.L.2007, c.53 (C.18A:17-20.2a and C.18A:17-15.1);
P.L.2013, c.187 (C.18A:17-19.1); and
Sections 4, 5, 6, 8, and 9 of P.L.1991, c.267 (C.18A:17-20.1 through C.18A:17-20.5).

13. This act shall take effect in the first full school year following the date of enactment.

STATEMENT

This bill, the "Empower the Principal Act," would eliminate the positions of superintendent of schools and assistant superintendent of schools. Under the bill, a board of education may not reappoint, or enter into a new employment contract for, a superintendent or an assistant superintendent. The executive county superintendents will assume the superintendents' current duties to exercise general supervision over all aspects of the schools and to keep informed, and report on, the condition and progress of the schools. The executive county superintendents will also have a seat on the boards of education of the districts of the county. In addition, the bill provides that the principal of each school in a district will have direct oversight over the school to which the principal is assigned. The bill prohibits a district from employing more than one vice-principal or assistant principal in each school.

Following the bill's effective date, after the expiration of each superintendent's or assistant superintendent's contract, any duties, powers, or responsibilities to be performed by a superintendent or an assistant superintendent pursuant to any provision of law will be performed by the executive county superintendent; however, the bill gives the executive county superintendent authority to delegate any such duties, powers, or responsibilities to the school principals.

The bill repeals the sections of law that specifically address the positions of superintendent and assistant superintendent. The bill also amends the sections of law permitting boards of education to share a superintendent or school business administrator to provide only for the sharing of a school business administrator.