

ASSEMBLY, No. 2918

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:
Assemblyman JAY WEBBER
District 26 (Essex, Morris and Passaic)

SYNOPSIS

“School Children First Act”; establishes factors for determining compensation; requires principal consent for teacher placement; eliminates certain seniority rights.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning certain teaching staff members, supplementing
2 chapters 6 and 29 of Title 18A of the New Jersey Statutes, and
3 revising various parts of the statutory law.

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

7
8 1. (New section) This act shall be known and may be cited as
9 the “School Children First Act.”

10
11 2. (New section) a. A school district shall annually report
12 the number of teachers in each school who received a rating of
13 ineffective, partially effective, effective, and highly effective on the
14 annual summative evaluation. The report shall be published on the
15 school district’s website.

16 b. The Commissioner of Education shall annually report the
17 number of teachers, principals, assistant principals, and vice-
18 principals in each school district who received a rating of
19 ineffective, partially effective, effective, and highly effective on the
20 annual summative evaluation. The report shall be published on the
21 Department of Education’s website.

22 c. Notwithstanding the provisions of subsections a. and b. of
23 this section to the contrary, a school district and the commissioner
24 shall not report results that may lead to the identification of the
25 rating of an individual. The commissioner shall establish standards
26 to be used in determining when the results of the annual summative
27 evaluation shall not be reported.

28
29 3. (New section) a. A board of education shall adopt a salary
30 schedule or compensation policy for teaching staff members
31 employed in the position of teacher, principal, assistant principal, or
32 vice-principal in which the individual’s salary is determined
33 primarily by:

34 (1) the teaching staff member’s demonstrated effectiveness in
35 advancing student learning, as determined by the staff member’s
36 annual effectiveness rating;

37 (2) the teaching staff member’s assignment to a failing school,
38 as identified by the Commissioner of Education; and

39 (3) the teaching staff member teaching a subject area that the
40 commissioner has designated as a difficult to staff subject area.

41 b. A board of education shall not adopt a salary schedule or
42 compensation policy for teaching staff members employed in the
43 position of teacher, principal, assistant principal, or vice-principal
44 in which the individual’s years of employment is a primary
45 determinant of the individual’s salary.

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 c. The salary schedule or compensation policy for teaching
2 staff members employed in the position of teacher, principal,
3 assistant principal, or vice-principal adopted by a board of
4 education shall not provide additional compensation for academic
5 credits earned or degrees attained unless:

6 (1) the commissioner has determined that attainment of the
7 academic credit or degree will have a demonstrably positive effect
8 on student achievement; and

9 (2) the teaching staff member is teaching or practicing in the
10 subject area in which the academic credit or degree was attained.

11 d. Regulations shall be promulgated pursuant to section 19 of
12 P.L. , c. (C.) (pending before the Legislature as this bill)
13 pertaining to the compensation of teaching staff members employed
14 in the positions of teacher, principal, assistant principal, and vice-
15 principal, and they shall be binding upon and supersede any district-
16 adopted salary schedule or compensation policy that may be
17 inconsistent with the regulations.

18 e. A school district shall adopt the salary schedule or
19 compensation policy required pursuant to this section by the 2020-
20 2021 school year, provided however that any salary schedule or
21 compensation policy that is set out in any existing collective
22 bargaining agreement need not conform to the requirements set
23 forth in regulations until such time as the agreement expires. No
24 collective bargaining agreement or other contract entered into by a
25 school district after July 1, 2020 shall conflict with the salary
26 schedule or compensation policy set forth in regulations.

27

28 4. N.J.S.18A:6-31.1 is amended to read as follows:

29 18A:6-31.1. Whenever any district is divided into two or more
30 districts those persons having tenure, in office, position or
31 employment in such district in positions other than teacher,
32 principal, assistant principal, or vice-principal, shall continue to
33 have tenure in the district which comprises the territory in which
34 they were serving at the time of the division; the persons having
35 tenure in office, position or employment in such district in positions
36 other than teacher, principal, assistant principal, or vice-principal,
37 whose services were not exclusively confined to the territory
38 comprising any one of the districts as so divided, at the time of the
39 division, shall be employed, if their services are so required, in the
40 district having the highest number of pupils in average daily
41 attendance during the second academic year preceding the academic
42 year in which the new district is created as certified by the
43 department and those persons having tenure in office, position or
44 employment in the original district in positions other than teacher,
45 principal, assistant principal, or vice-principal, who are not
46 employed by the board of education of either district shall retain the
47 seniority and tenure rights acquired in the original district and shall
48 be employed in accordance therewith as vacancies occur in either

1 the original district or the new district before any other persons are
2 so employed in similar offices, positions or employments.

3 (cf: N.J.S.18A:6-31.1)

4
5 5. N.J.S.18A:6-31.2 is amended to read as follows:

6 18A:6-31.2. The tenure, seniority and pension rights of all
7 persons, who had office, position or employment in the original
8 district at the time of said division in positions other than teacher,
9 principal, assistant principal, or vice-principal, and who are
10 employed in either district after such division shall continue with
11 the same force and effect as though such division had not occurred
12 and any future continuation of service in either district shall be
13 deemed to be a continuation of the service rendered prior to said
14 division and any period of service rendered in the original district
15 shall be credited toward the acquisition of tenure, seniority and
16 pension rights in the original or new district, as the case may be.

17 (cf: N.J.S.18A:6-31.2)

18
19 6. Section 2 of P.L.1995, c.294 (C.18A:6-31.4) is amended to
20 read as follows:

21 2. Whenever a new school district is created **],** the terms and
22 conditions of employment, whether established through a collective
23 bargaining agreement or past practice, of the largest constituent
24 school district which is affected, replaced or displaced by, or forms
25 part of the new school district, shall apply until a successor
26 agreement is negotiated with the majority representative of the new
27 school district. As used in this section, the term largest constituent
28 school district means that school district which employs the largest
29 number of teaching staff members.

30 In the event that there is an employee bargaining unit in a
31 constituent school district with the next largest number of
32 employees and with a majority representative of the unit, which is
33 not so represented in the largest school district, the terms and
34 conditions of employment for all employees holding positions in
35 that unit in the new school district shall apply provided that the
36 terms and conditions of employment shall only apply to the new
37 school district's employees in that bargaining unit **]** a new collective
38 bargaining agreement shall be negotiated with the majority
39 representative of the new school district.

40 (cf: P.L.1995, c.294, s.2)

41
42 7. Section 3 of P.L.1995, c.294 (C.18A:6-31.5) is amended to
43 read as follows:

44 3. Whenever a new school district is created, the tenure and
45 seniority rights of all employees from the affected, constituent,
46 replaced or displaced districts which form or are a part of, or are
47 affected, replaced or displaced by the new school district, except for
48 employees who are superintendents or in the positions of teacher,

1 principal, assistant principal, or vice-principal, shall be recognized
2 and preserved by the new school district and all periods of
3 employment in any of the school districts shall count toward
4 acquisition of tenure and seniority in the new school district. All
5 statutory and contractual rights to tenure, seniority, accumulated
6 sick leave, leave of absence, and pension of an employee, other than
7 an employee who is a superintendent or in the positions of teacher,
8 principal, assistant principal, or vice-principal, which have been
9 acquired through employment in any of the districts shall be
10 recognized by the new school district.

11 (cf: P.L.1995, c.294, s.3)

12

13 8. Section 4 of P.L.1995, c.294 (C.18A:6-31.6) is amended to
14 read as follows:

15 4. Following consideration of the tenure and seniority rights of
16 employees provided pursuant to section 3 of this act or pursuant to
17 any other section of law, a new school district shall fill all vacancies
18 and available positions other than teacher, principal, assistant
19 principal, and vice-principal from a pool of qualified employees
20 prior to interviewing applicants or hiring new employees. The pool
21 of qualified employees shall consist of all employees of the
22 constituent, affected, displaced or replaced school districts in
23 positions other than teacher, principal, assistant principal, and vice-
24 principal, who would otherwise be entitled to continued
25 employment in that district in the following school year but are not
26 entitled to continued employment in the new school district because
27 of tenure or seniority status. **【During】** For positions other than
28 teacher, principal, assistant principal, and vice-principal, during the
29 school year in which the new district is established, a new school
30 district shall not hire an employee for a particular position until all
31 employees in the labor pool qualified to fill the position have been
32 offered employment by the new school district.

33 (cf: P.L.1995, c.294, s.4)

34

35 9. N.J.S.18A:13-49 is amended to read as follows:

36 18A:13-49. All **【principals, teachers and】** employees in the
37 employ of any dissolving local district in positions other than
38 teacher, principal, assistant principal, and vice-principal shall be
39 transferred to and continue in their respective employments in the
40 employ of the regional school district and their rights to tenure,
41 pension and accumulated leave of absence accorded under the laws
42 of the state shall not be affected by their transfer to the employ of
43 the regional school district.

44 (cf: N.J.S.18A:13-49)

45

46 10. Section 14 of P.L.1975, c.360 (C.18A:13-64) is amended to
47 read as follows:

1 14. All employees of the regional district in positions other than
2 teacher, principal, assistant principal, and vice-principal, shall
3 continue in their respective positions in the withdrawing district, or
4 in each of the constituent districts in the event of a dissolution, and
5 all of their rights of tenure, seniority, pension, leave of absence and
6 other similar benefits shall be recognized and preserved and any
7 periods of prior employment in the regional district shall count
8 toward the acquisition of tenure to the same extent as if all such
9 employment had been under the withdrawing district or in any of
10 the constituent districts in the event of a dissolution. In the event of
11 a withdrawal, any tenured employee in a school located in the
12 withdrawing district in positions other than teacher, principal,
13 assistant principal, and vice-principal, who desires to remain in the
14 employ of the regional district, and whose seniority under existing
15 tenure laws so permits, may apply for and shall be granted a
16 transfer to a position other than teacher, principal, assistant
17 principal, and vice-principal with the regional district for which he
18 is certified which is vacant, held by a tenured employee with less
19 seniority or by an employee without tenure; applications for such
20 transfers shall be made within 45 days of the date of the special
21 school election at which the withdrawal was approved.

22 (cf: P.L.1993, c.255, s.13)

23
24 11. Section 15 of P.L.1989, c.90 (C.18A:13-80) is amended to
25 read as follows:

26 15. All employees of the all purpose regional district in
27 positions other than teacher, principal, assistant principal, and vice-
28 principal shall continue in their respective positions in the new
29 district and all of their rights of tenure, seniority, pension, leave of
30 absence and other similar benefits shall be recognized and
31 preserved and any periods of prior employment in the all purpose
32 regional district shall count toward the acquisition of tenure to the
33 same extent as if the employment had been under the new district.
34 Any tenured employee in a school located in the new district in a
35 position other than teacher, principal, assistant principal, and vice-
36 principal who desires to remain in the employ of the all purpose
37 regional district, and whose seniority under existing tenure laws so
38 permits, may apply for and shall be granted a transfer to a position
39 other than teacher, principal, assistant principal, or vice-principal
40 with the all purpose regional district for which he is certified which
41 is vacant, held by a tenured employee with less seniority or by an
42 employee without tenure. Applications for these transfers shall be
43 made within 45 days of the date of the special school election at
44 which the withdrawal was approved.

45 (cf: P.L.1989, c.90, s.15)

46
47 12. Section 1 of P.L. 1995, c.125 (C.18A:27-4.1) is amended to
48 read as follows:

1 1. Notwithstanding the provisions of any law, rule or regulation
2 to the contrary,

3 a. (1) A board of education shall appoint, transfer or remove
4 a certificated or non-certificated officer or employee **【only】** upon
5 the recommendation of the chief school administrator and by a
6 recorded roll call majority vote of the full membership of the board.
7 The board shall not withhold its approval for arbitrary and
8 capricious reasons.

9 (2) A teacher shall not be assigned to the instructional staff of a
10 school without the consent of the school principal for the
11 assignment.

12 (3) In the event that a principal does not consent to the
13 assignment of a teacher under tenure, the teacher may continue to
14 receive salary and benefits while the teacher and the school district
15 search for an alternative assignment in the district. If the consent of
16 a principal at another school in the district is not obtained within 12
17 months of the date on which the initial assignment is approved by
18 the board of education, the board may place the teacher on
19 permanent unpaid leave. A teacher on permanent unpaid leave shall
20 not receive salary, benefits, or credit towards salary or benefits.

21 b. A board of education shall renew the employment contract
22 of a certificated or non-certificated officer or employee only upon
23 the recommendation of the chief school administrator and by a
24 recorded roll call majority vote of the full membership of the board.
25 The board shall not withhold its approval for arbitrary and
26 capricious reasons. A nontenured officer or employee who is not
27 recommended for renewal by the chief school administrator shall be
28 deemed nonrenewed. Prior to notifying the officer or employee of
29 the nonrenewal, the chief school administrator shall notify the board
30 of the recommendation not to renew the officer's or employee's
31 contract and the reasons for the recommendation. An officer or
32 employee whose employment contract is not renewed shall have the
33 right to a written statement of reasons for nonrenewal pursuant to
34 section 2 of P.L.1975, c.132 (C.18A:27-3.2) and to an informal
35 appearance before the board. The purpose of the appearance shall
36 be to permit the staff member to convince the members of the board
37 to offer reemployment. The chief school administrator shall notify
38 the officer or employee of the nonrenewal pursuant, where
39 applicable, to the provisions of section 1 of P.L.1971, c.436
40 (C.18A:27-10).

41 c. The provisions of this section shall not apply to the
42 appointment, transfer, removal, renewal or nonrenewal of a person
43 who is a treasurer of school moneys, election officer, board auditor,
44 board attorney or board secretary, except a board secretary who
45 performs business administration functions.

46 (cf: P.L.1995, c.125, s.1)

1 13. N.J.S.18A:28-6.1 is amended to read as follows:

2 18A:28-6.1. Whenever, heretofore or hereafter, any board of
3 education in any school district in this state shall discontinue any
4 high school, junior high school, elementary school or any one or
5 more of the grades from kindergarten through grade 12 in the
6 district and shall, by agreement with another board of education,
7 send the pupils in such schools or grades to such other district, all
8 teaching staff members in positions other than teacher, principal,
9 assistant principal, and vice-principal, who are assigned for a
10 majority of their time in such school, grade or grades and who have
11 tenure of office at the time such schools or grades are discontinued
12 shall be employed by the board of education of such other district in
13 the same or nearest equivalent position; provided that any such
14 teaching staff member may elect to remain in the employ of the
15 former district in any position other than teacher, principal, assistant
16 principal, and vice-principal, to which he may be entitled by virtue
17 of his tenure and seniority rights by giving notice of said election to
18 the boards of education in each of the school districts at least three
19 months prior to the date on which such school, grade, or grades are
20 to be discontinued. Teaching staff members other than teachers,
21 principals, assistant principals, and vice-principals, so employed in
22 such other district shall have their rights to tenure, seniority,
23 pension and accumulated leave of absence, accorded under the laws
24 of this state, recognized and preserved by the board of education of
25 that district. Any periods of prior employment in such sending
26 district shall count toward the acquisition of tenure in the other
27 district to the same extent as if all such prior employment had been
28 in such other district.

29 (cf: N.J.S.18A:28-6.1)

30

31 14. N.J.S.18A:28-9 is amended to read as follows:

32 18A:28-9. Nothing in this title or any other law relating to
33 tenure of service shall be held to limit the right of any board of
34 education to reduce the number of teaching staff members,
35 employed in the district whenever, in the judgment of the board, it
36 is advisable to abolish any such positions for reasons of economy or
37 because of reduction in the number of pupils or of change in the
38 administrative or supervisory organization of the district or for
39 efficiencies found through the consolidation or sharing of services
40 between school districts or because a school has been identified as
41 failing by the commissioner or for other good cause upon
42 compliance with the provisions of this article.

43 (cf: N.J.S.18A:28-9)

44

45 15. N.J.S.18A:28-10 is amended to read as follows:

46 18A:28-10. **【Dismissals】** In the case of teaching staff members
47 in positions other than teacher, principal, assistant principal, or
48 vice-principal, dismissals resulting from any such reduction shall

1 not be made by reason of residence, age, sex, marriage, race,
2 religion or political affiliation but shall be made on the basis of
3 seniority according to standards to be established by the
4 commissioner with the approval of the state board.

5 In the case of teaching staff members in the position of teacher,
6 principal, assistant principal, and vice-principal, dismissals
7 resulting from any such reduction shall not be made by reason of
8 residence, age, sex, marriage, race, religion, or political affiliation,
9 but shall be made on the basis of effectiveness as determined by the
10 evaluation system established pursuant to the provisions of
11 P.L.2012, c.26 (C.18A:6-117 et al.).

12 (cf: N.J.S.18A:28-10)

13
14 16. N.J.S.18A:28-11 is amended to read as follows:

15 18A:28-11. In the case of **any such reduction** teaching staff
16 members in positions other than teacher, principal, assistant
17 principal, and vice-principal, the board of education shall determine
18 in any such reduction the seniority of the persons affected according
19 to such standards and shall notify each such person as to his
20 seniority status, and the board may request the commissioner for an
21 advisory opinion with respect to the applicability of the standards to
22 particular situations, which request shall be referred to a panel
23 consisting of the executive county superintendent of the county, the
24 secretary of the state board of examiners and an assistant
25 commissioner of education designated by the commissioner and an
26 advisory opinion shall be furnished by said panel. No
27 determination of such panel shall be binding upon the board of
28 education or any other party in interest or upon the commissioner or
29 the state board if any controversy or dispute arises as a result of
30 such determination and an appeal is taken therefrom pursuant to the
31 provisions of this title.

32 (cf: N.J.S.18A:28-11)

33
34 17. Section 1 of P.L.1985, c.217 (C.18A:28-11.1) is amended to
35 read as follows:

36 1. In computing length of service for seniority purposes, every
37 teaching staff member in a position other than teacher, principal,
38 assistant principal, and vice-principal who, after July 1, 1940, has
39 served or hereafter shall serve, in the active military or naval
40 service of the United States or of this State, including active service
41 in the women's army corps, the women's reserve of the naval
42 reserve, or any similar organization authorized by the United States
43 to serve with the army or navy, in time of war or an emergency, or
44 for or during any period of training, or pursuant to or in connection
45 with the operation of any system of selective service, or who was a
46 member of the American Merchant Marine during World War II
47 and is declared by the United States Department of Defense to be
48 eligible for federal veterans' benefits, shall be entitled to receive

1 equivalent years of employment or seniority credit for that service
2 as if the member had been employed for the same period of time in
3 some publicly owned and operated college, school or institution of
4 learning in this or any other state or territory of the United States,
5 except that the period of that service shall not be credited toward
6 more than four years of employment or seniority credit. Any
7 military or naval service shall be credited towards this employment
8 or seniority credit including service that occurred prior to the
9 member's employment as a teaching staff member.

10 (cf: P.L.1991, c.389, s.2)

11
12 18. N.J.S.18A:28-12 is amended to read as follows:

13 18A:28-12. If any teaching staff member in a position other
14 than teacher, principal, assistant principal, and vice-principal shall
15 be dismissed as a result of such reduction, such person shall be and
16 remain upon a preferred eligible list in the order of seniority for
17 reemployment whenever a vacancy occurs in a position for which
18 such person shall be qualified and he shall be reemployed by the
19 body causing dismissal, if and when such vacancy occurs and in
20 determining seniority, and in computing length of service for
21 reemployment, full recognition shall be given to previous years of
22 service, and the time of service by any such person in or with the
23 military or naval forces of the United States or of this State,
24 subsequent to September 1, 1940, and the time of service of any
25 member of the American Merchant Marine during World War II
26 who is declared by the United States Department of Defense to be
27 eligible for federal veterans' benefits, shall be credited to him as
28 though he had been regularly employed in such a position within
29 the district during the time of such military or naval service, except
30 that the period of that service shall not be credited toward more than
31 four years of employment or seniority credit.

32 (cf: P.L.1991, c.389, s.3)

33
34 19. Notwithstanding any provision of P.L.1968, c.410
35 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
36 Education shall adopt, immediately upon filing with the Office of
37 Administrative Law, such rules and regulations as the commissioner
38 deems necessary to effectuate the provisions of P.L. , c. (C.)
39 (pending before the Legislature as this bill) which shall be effective
40 for a period not to exceed 12 months. The regulations shall
41 thereafter be amended, adopted, or readopted by the State Board of
42 Education in accordance with the provisions of P.L.1968, c.410
43 (C.52:14B-1 et seq.).

44
45 20. The following sections are repealed:

46 Section 5 of P.L.1995, c.294 (C.18A:6-31.7);

47 N.J.S.18A:8-34;

48 N.J.S.18A:13-42;

1 Section 1 of P.L.1972, c.64 (C.18A:29-4.2).

2

3 21. This act shall take effect immediately.

4

5

6

STATEMENT

7

8 The bill requires school districts to adopt a salary schedule or
9 compensation policy for all teachers, principals, assistant principals,
10 and vice-principals that is consistent with regulations promulgated
11 in accordance with the provisions of the bill. The regulations will
12 establish the individual's annual evaluation, assignment to a failing
13 school, and teaching in a difficult to staff subject area as the
14 primary factors that determine an individual's compensation, and
15 years of experience cannot be a primary determinant of an
16 individual's compensation. A district would only be allowed to
17 provide additional compensation for education attainment if the
18 commissioner has determined that the additional education will
19 have a positive effect on student achievement and the teaching staff
20 member is teaching or practicing in the subject area in which the
21 additional academic credit or degree was attained.

22 The bill stipulates that a teacher will not be assigned to the
23 instructional staff of a school without the consent of the principal of
24 the school. If a principal does not consent to the assignment of a
25 teacher who is under tenure, the teacher may continue to receive
26 compensation as the teacher and district seek to identify a principal
27 who will consent to the placement. If such a placement is not
28 found after 12 months, the teacher may be placed on permanent
29 unpaid leave.

30 The bill also requires that, in the case of a teacher, principal,
31 assistant principal, or vice-principal, any dismissals resulting from a
32 reduction in force must be made on the basis of effectiveness as
33 determined by the evaluation system established under
34 P.L.2012, c.26, rather than based on seniority. Last, the bill
35 requires school districts to report the number of teachers in each
36 school who received a rating of ineffective, partially effective,
37 effective, and highly effective on the annual summative evaluation.
38 The Commissioner of Education will provide a similar report for
39 teachers, principals, assistant principals, and vice-principals in each
40 school district.