

SENATE, No. 346

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Establishes pilot program in DOE for organization of county administrative school districts.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** establishing a pilot program in the Department of
2 Education for the governance and operation of county
3 administrative school districts and supplementing Title 18A of
4 the New Jersey Statutes.

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

8
9 1. As used in this act:

10 “Board” means the board of education of the county
11 administrative school district;

12 “Chief school administrator” means the chief school
13 administrator of the county administrative school district;

14 “Eligible county” means a county of the second, third, fourth,
15 fifth, or sixth class that has fewer than two SDA districts located in
16 the county.

17
18 2. The Commissioner of Education shall establish a 10-year
19 pilot program to organize county administrative school districts in
20 five counties selected for participation pursuant to section 5 of this
21 act. The goal of the pilot program shall be to evaluate the
22 administrative and educational effectiveness of the county school
23 district model in New Jersey.

24
25 3. Within nine months following the effective date of this act,
26 the commissioner shall submit to the county board of chosen
27 freeholders and executive county superintendent of schools in each
28 eligible county a report that includes the following information:

29 a. a description of the application process;

30 b. a description of a county’s responsibilities under the pilot
31 program, including information on the study requirements
32 established by the commissioner pursuant to subsection a. of section
33 26 of this act;

34 c. the commissioner’s general assessment of the advantages
35 and disadvantages of participation in the pilot program, including
36 an assessment of additional costs;

37 d. a model procedure for the transition to a county
38 administrative school district; and

39 e. a model procedure for the transition of a county
40 administrative school district to the system of locally-operated
41 school districts in place prior to the establishment of the county
42 administrative school district.

43
44 4. The board of chosen freeholders of an eligible county may
45 apply for participation in the pilot program by adopting a
46 resolution, with the concurrence of the executive county
47 superintendent of schools, and completing the application procedure
48 prescribed by the commissioner pursuant to section 5 of this act.

1 5. a. The commissioner shall establish an application procedure
2 for the pilot program. The procedure shall, at a minimum, require
3 the board of chosen freeholders of an applicant county to submit the
4 following information:

5 (1) a copy of the resolution adopted by the board of chosen
6 freeholders in accordance with section 4 of this act;

7 (2) a letter from the executive county superintendent of schools
8 stating concurrence with the resolution;

9 (3) current data on comparative administrative spending by the
10 school districts in the county; and

11 (4) a statement describing the savings and efficiencies that the
12 board of chosen freeholders believes would result from the
13 establishment of a county administrative school district in the
14 county.

15 b. The commissioner shall select five counties from among the
16 applicants for participation in the pilot program.

17 c. The commissioner shall, within nine months following the
18 selection of a county to participate in the pilot program, develop a
19 plan for the transition of the locally-operated school districts in the
20 county to a county administrative school district. The transition
21 plan shall include, but need not be limited to, the following: a
22 schedule for harmonizing contracts; the migration of administrative
23 systems to the county level; an assessment of the likelihood of
24 additional capital expenses as a result of the pilot program; an
25 examination of current debt service obligations by the local
26 districts; an assessment of school population and facilities, with
27 particular attention to facilities that are deemed to be overcrowded;
28 an assessment of pending litigation affecting the local districts
29 within the county; and other issues the commissioner deems
30 relevant.

31 d. Final acceptance for participation in the pilot program shall
32 be contingent upon the adoption of the transition plan by resolution
33 of the county board of chosen freeholders. If the board of chosen
34 freeholders of the county selected for participation in the pilot
35 program does not adopt the transition plan, the commissioner may
36 select another eligible county that has applied for participation
37 pursuant to section 4 of this act.

38

39 6. Notwithstanding any provision of law or regulation to the
40 contrary, the public schools in the pilot county shall, within 90 days
41 of the adoption of the transition plan by the board of chosen
42 freeholders pursuant to subsection d. of section 5 of this act, but not
43 prior to July 1, 2021, and until the expiration of this act be governed
44 by the provisions of this act relating to the establishment and
45 maintenance of a county administrative school district.

46

47 7. The public schools in the pilot county shall be conducted by
48 and under the supervision of the board of education of the county

1 administrative school district, which shall be a body corporate and
2 which shall be constituted and governed as provided by this act.

3
4 8. a. Upon the establishment of the county administrative
5 school district, the boards of education of the public school
6 districts, the board of education of any county vocational school
7 district, and the board of education of any county special services
8 school district may continue to exist in an advisory role. However,
9 the board of education of a public school district, county vocational
10 school district, or county special services school district may pass a
11 resolution to dissolve itself pursuant to regulations promulgated by
12 the State Board of Education pursuant to section 29 of this act.

13 b. Upon the establishment of the county administrative school
14 district, the position of district superintendent of schools, together
15 with any other local district-level administrative or supervisory
16 personnel positions, shall be abolished.

17
18 9. The board of education of the county administrative school
19 district shall consist of the executive county superintendent of
20 schools and four members appointed by the chief elected executive
21 officer of the county or the director of the board of chosen
22 freeholders, with the advice and consent of the board of chosen
23 freeholders, as appropriate to the appointment procedures
24 established by the form of government of the county. No more than
25 two members shall be members of the same political party, but no
26 changes for adjustment of party representation shall be made in a
27 board except as vacancies occur.

28 In making the first appointments to a board, one person shall be
29 appointed to serve for one year, one for two years, one for three
30 years, and one for four years from November 1 next succeeding the
31 date of their respective appointments.

32 Annually during the month of October a member of the board
33 shall be appointed to serve for a term of four years or until the
34 expiration of the pilot program, whichever shall occur first, and
35 thereafter until the appointment and qualification of a respective
36 successor, to take the place of the member whose term or terms
37 shall expire on November 1 then next ensuing.

38 Each member of the board shall be a citizen and resident of the
39 county and shall have been a citizen and resident for the three years
40 preceding the member's appointment to the board. If a member
41 shall cease to be a resident of the county, membership in the board
42 shall cease.

43 Vacancies in the board shall be deemed to exist, and shall be
44 filled, in the manner prescribed in P.L.1979, c.302 (C.40A:9-12.1).

45
46 10. The board of education of the county administrative school
47 district shall organize annually on November 1 by the election of a

1 president and vice-president, unless November 1 falls on Sunday, in
2 which case the board shall organize on the following day.

3 If the organization meeting cannot take place on the day
4 hereinabove provided for by reason of a lack of a quorum or for any
5 other reason, the meeting shall be held within 3 days thereafter.

6
7 11. The board of education of the county administrative school
8 district shall be a body corporate and shall be known as and called
9 "the board of education of the county of " (here insert the
10 name of the county in which such district shall be located).

11
12 12. The board of education of the county administrative school
13 district may:

14 a. Make purchases and enter into contracts for the provision or
15 performance of goods or services;

16 b. Provide or contract for the provision of transportation for all
17 public and nonpublic pupils within the county;

18 c. Purchase, sell, and improve school grounds, erect, purchase,
19 lease, enlarge, improve, and repair school buildings, including any
20 building or buildings for school purposes owned by any
21 municipality in the county, with or without furnishings and
22 equipment, and purchase school furniture and other necessary
23 equipment;

24 d. Insure school buildings, furniture, and other school property,
25 and receive, lease, and hold in trust any and all real and personal
26 property for the benefit of the school district;

27 e. Employ and dismiss district supervisors, principals, teachers,
28 janitors, mechanics, and laborers; fix, alter, and order paid their
29 salaries and compensation, and prescribe the course of study to be
30 pursued;

31 f. Appoint a treasurer, who shall not be a member of the board
32 and fix the treasurer's salary and term of office. The treasurer shall
33 give bond in such amounts and with such security as the board shall
34 determine;

35 g. Make, amend, and repeal rules, not inconsistent with this act,
36 or with the rules of the State board, for its own government, for the
37 transaction of business, and for the government and management of
38 the school and school property under its control;

39 h. Provide textbooks and other necessary supplies and
40 apparatus;

41 i. Adopt an official seal by which all its official acts may be
42 authenticated;

43 j. Make an annual report to the commissioner on or before
44 August 1 in the manner and form prescribed by him;

45 k. Appoint a secretary and fix his salary and term of office; and

46 l. Do all other acts and things that may be necessary for the
47 proper organization and functioning of the public schools of the
48 district during its first year.

1 13. a. The Governor, with the advice and consent of the
2 Senate, shall by contract appoint, for a term of no fewer than three
3 nor more than five years, a chief school administrator for the county
4 administrative school district.

5 b. No person shall be appointed or act as or perform the duties
6 of chief school administrator unless that person holds an
7 appropriate certificate as prescribed by the State board.

8 c. The chief school administrator shall devote himself
9 exclusively to the duties of his office.

10 d. The Governor shall fix the salary of the chief school
11 administrator.

12 e. At the conclusion of the term of the initial contract or of any
13 subsequent contract as hereinafter provided, the chief school
14 administrator shall be deemed reappointed for another contracted
15 term of the same duration as the previous contract unless either:

16 (1) the Governor, with the advice and consent of the Senate, by
17 contract reappoints him for a different term, which shall be not less
18 than three nor more than five years, in which event reappointments
19 thereafter shall be deemed for the new term unless a different term
20 is again specified; or

21 (2) at least one year prior to the expiration of the first or any
22 subsequent contract the board shall notify the chief school
23 administrator in writing that he will not be reappointed at the end of
24 the current term, in which event his employment shall cease at the
25 expiration of that term.

26 f. The chief school administrator shall not, during the term of
27 his contract, be dismissed or reduced in compensation except for
28 inefficiency, incapacity, or conduct unbecoming a chief school
29 administrator or other just cause, and then only in the manner
30 prescribed by subarticle B of article 2 of chapter 6 of Title 18A of
31 the New Jersey Statutes.

32
33 14. The chief school administrator of the county administrative
34 school district shall have general supervision over all aspects,
35 including fiscal operations and instructional programs, of the
36 county administrative school district, under rules and regulations
37 prescribed by the State board. The chief school administrator shall
38 keep himself informed as to the condition and progress of the
39 schools in the county and report thereon, from time to time, to, and
40 as directed by, the board of education of the county administrative
41 school district. The chief school administrator, shall have such
42 other powers and perform such additional duties as may be
43 prescribed by the board of education of the county administrative
44 school district.

45
46 15. The board of education of the county administrative school
47 district shall evaluate, in writing, the performance of the chief
48 school administrator of the county administrative school district at

1 least once a year. The board shall provide a copy of the evaluation
2 to the chief school administrator and the chief school administrator
3 and the board shall meet to discuss the findings. The evaluations
4 shall be based upon the goals and objectives of the district, the
5 responsibilities of the chief school administrator and such other
6 criteria as the State board shall by regulation prescribe. Any
7 contract entered into pursuant to section 13 of this act shall provide
8 for an evaluation pursuant to this section and may provide for
9 additional evaluation criteria or procedures which shall not be
10 inconsistent with the regulations of the State board.

11

12 16. The board of education of the county administrative school
13 district shall appoint a district supervisor for each municipality in
14 the county to oversee operations of the public schools located in the
15 municipality and perform such other duties as the board may
16 prescribe. The district supervisor shall work under the supervision
17 of the chief school administrator of the county administrative
18 school district.

19

20 17. The chief school administrator, and all teachers, principals,
21 and assistant superintendents of the board of education of the
22 county administrative school district, shall have all rights and
23 privileges of superintendents, teachers, principals, and assistant
24 superintendents of schools, respectively, in school districts.

25

26 18. The school year for the county administrative school district
27 shall begin on July 1 and end June 30.

28

29 19. No contract shall be entered into by the board of education
30 of the county administrative school district, nor shall any bill or
31 demand for money be paid, until it shall have been presented and
32 passed on at a regularly called meeting of the board. A bill or
33 demand for money, except for salaries, that exceeds \$25 shall be
34 itemized and shall be verified by affidavit or contain or have
35 annexed to it a signed declaration in writing to the effect that the
36 bill or demand is correct in all its particulars, that the articles have
37 been furnished or services rendered as stated therein, and that no
38 bonus has been given or received on account thereof.

39

40 20. The county administrative school district shall have a board
41 of school estimate, which shall consist of two members of the board
42 of education of the county administrative school district, appointed
43 by that board, two members of the board of chosen freeholders of
44 the county, appointed by that board, and the chief elected executive
45 officer of the county or the director of the board of chosen
46 freeholders, as the case may be.

47 The appointments shall be made annually between January 1 and
48 January 15. In case of a vacancy occurring in the board by reason of

1 the resignation, death, or removal of any appointed member, the
2 vacancy shall be filled immediately by the body which originally
3 appointed the member, by appointing another of its members to fill
4 the vacancy. The secretary of the board of education of the county
5 administrative school district shall be the secretary of the board of
6 school estimate, but shall receive no compensation as such.

7
8 21. On or before the fourth Tuesday in March in each year, the
9 board of education of the county administrative school district shall
10 prepare and deliver to each member of the board of school estimate
11 an itemized statement of the amount of money estimated to be
12 necessary for the general fund expenses of the county school district
13 for the ensuing school year. The itemized statement shall calculate
14 separately for each municipality the general fund expenses of the
15 public schools located in that municipality, and shall calculate for
16 the county administrative school district as a whole the amount of
17 money estimated to be necessary to fund the administrative and
18 other services provided at the county level to the public schools of
19 the county. The board of education shall follow the procedures
20 established in section 5 of P.L.1996, c.138 (C.18A:7F-5).

21
22 22. Between the fourth Tuesday in March and April 8 in each
23 year the board of school estimate shall fix and determine, separately
24 for each municipality in the county, by action taken at a public
25 meeting of the board, the amount of money necessary to be
26 appropriated for the general fund expenses of the public schools
27 located in that municipality, and shall fix and determine for the
28 county district as a whole the amount of money necessary to fund
29 the administrative and other services provided at the county level to
30 the public schools of the county, exclusive of the amount to be
31 received from the State for general fund expenses. The board of
32 school estimate shall follow the procedures established in section 5
33 of P.L.1996, c.138 (C.18A:7F-5).

34
35 23. Upon the determination of the amount of money necessary to
36 be appropriated for the ensuing school year pursuant to section 22
37 of this act, the board of school estimate shall establish the tax levy
38 amount required to be raised in each municipality for the general
39 fund expenses of the public schools located in that municipality.
40 The board of school estimate shall also establish the per pupil tax
41 levy amount required to be raised to support the administrative and
42 other services provided at the county level to the public schools of
43 the county. The per pupil tax levy amount shall be established by
44 dividing the amount of money necessary to be appropriated for the
45 administrative and other services provided at the county level by the
46 projected enrollment of the county administrative school district for
47 the ensuing school year. The board of school estimate shall then
48 calculate the amount of school tax levy that is required to be raised

1 in the individual municipalities for administrative and other services
2 provided at the county level by multiplying the per pupil tax levy
3 amount by the number of students resident in that municipality who
4 are projected to be enrolled in the county school district in the
5 ensuing school year. The board of school estimate shall make a
6 certificate for each municipality of the total amount calculated for
7 that municipality for general fund expenses and county-level
8 administrative and other services which shall be signed by at least a
9 majority of the members of the board. The certificate shall be
10 delivered to the governing body of the municipality, and a copy
11 thereof, certified under oath to be correct and true by the secretary
12 of the board of school estimate, shall be delivered to the county
13 board of taxation on or before April 15 in each year, and the amount
14 so certified shall be included in the taxes assessed, levied, and
15 collected in the municipality.

16

17 24. All provisions of law relating to the entering into contract
18 for the furnishing of supplies and to the preparation of plans and
19 specifications for the construction, alteration or repair of any
20 building by a board of education of the county administrative
21 school district and the approval and filing thereof and of any such
22 contract and to the advertisement for bids and the awarding of
23 contracts as a result thereof, which are applicable to a board of
24 education of a school district, shall likewise be applicable to the
25 board of education of the county administrative school district and
26 no municipal permit shall be required in connection with the
27 making or performance of any such contract.

28

29 25. Whenever the board of education of the county
30 administrative school district shall decide that it is necessary to sell
31 bonds to raise money for any capital project as defined in
32 N.J.S.18A:21-1, the board shall prepare and deliver to each member
33 of the board of school estimate a statement of the amount of money
34 estimated to be necessary for such purpose.

35 The board of school estimate shall fix and determine the
36 necessary amount and shall make two certificates thereof, one of
37 which certificates shall be delivered to the board of education and
38 the other to the board of chosen freeholders of the county in which
39 the school district is situate.

40 The board of chosen freeholders may appropriate such amount
41 and borrow such amount for the purpose or purposes aforesaid, and
42 secure the repayment of the sum so borrowed, together with interest
43 thereon, by the issuance of bonds or notes of the county pursuant to
44 the local bond law, notwithstanding any debt limitation or
45 requirement for down payment therein provided for. The proceeds
46 of the sale of such obligations shall be paid to the treasurer of the
47 county administrative school district and shall be paid out by him
48 only on the warrants or orders of the board of education of the

1 county administrative school district. The treasurer shall in no
2 event disburse such proceeds, except to pay the expenses of issuing
3 and selling such obligations and for the purpose or purposes for
4 which such obligations were issued.

5
6 26. a. No later than eight years after the establishment of the
7 county administrative school district, the board of education of the
8 county administrative school district and the board of chosen
9 freeholders of the pilot county shall each submit a report to the
10 commissioner in such form and containing such information as the
11 commissioner shall require. At a minimum, the reports shall
12 include an evaluation of the relative merits of the county
13 administrative school district, as compared with the public school
14 system in place in the county prior to the implementation of the
15 pilot program, and recommendations on whether the pilot program,
16 or components of the pilot program, should be established in the
17 county on a permanent basis.

18 b. No later than nine years after the establishment of the county
19 administrative school district, the commissioner shall submit to the
20 Governor, and to the Legislature pursuant to section 2 of P.L.1991,
21 c.164 (C.52:14-19.1), an evaluation of the effectiveness of the pilot
22 program. The commissioner's evaluation shall, at a minimum,
23 include the following:

24 (1) a detailed analysis of the impact of the pilot program on
25 administrative costs and student achievement in the county selected
26 for participation;

27 (2) copies of the reports submitted to the commissioner by the
28 board of chosen freeholders of the pilot county and the board of
29 education of the county administrative school district pursuant to
30 subsection a. of this section; and

31 (3) the commissioner's recommendation on the advisability of
32 the pilot program's continuation and expansion to other counties.

33
34 27. The provisions of this act shall not apply to a regional school
35 district with constituent municipalities in more than one county.

36
37 28. The provisions of the "Public School Contracts Law,"
38 N.J.S.18A:18A-1 et seq., shall be applicable to a county
39 administrative school district established pursuant to the provisions
40 of this act.

41
42 29. The State Board of Education shall prescribe rules and
43 regulations pursuant to the "Administrative Procedure Act,"
44 P.L.1968, c.410 (C.52:14B-1 et seq.), for the implementation of this
45 act and for the organization, management, and control of the county
46 administrative school district.

47
48 30. This act shall take effect immediately.

STATEMENT

This bill requires the Commissioner of Education to establish a 10-year pilot program to organize a county administrative school district in five counties selected by the commissioner. The goal of the pilot program would be to evaluate the administrative and educational effectiveness of the county school district model in New Jersey.

Under the pilot program, any county of the second, third, fourth, fifth, or sixth class that has fewer than two SDA districts in the county would be eligible to participate in the pilot program. The commissioner would, within nine months of the bill's enactment, submit to the county board of chosen freeholders and executive county superintendent of schools in each eligible county a report that includes a description of the application process, a description of a county's responsibilities under the pilot program, including information on the pilot program evaluation requirements established by the commissioner, the commissioner's general assessment of the advantages and disadvantages of participation in the pilot program, including an assessment of additional costs, a model procedure for the transition to a county administrative school district, and a model procedure for the transition of a county administrative school district to the system of locally-operated school districts in place prior to the establishment of the county administrative school district.

If interested, the board of chosen freeholders of a county that is eligible to participate in the pilot program would apply by adopting a resolution, with the concurrence of the executive county superintendent of schools, and completing the application process prescribed by the commissioner. The county would be required to submit current data on comparative administrative spending by the school districts in the county and a statement describing the savings and efficiencies that the board of chosen freeholders believes would result from the establishment of a county administrative school district in the county. The commissioner would then select five counties from among the eligible applicants and develop a plan for the transition of the locally-operated school districts in the county to a county administrative school district. A county's final acceptance for participation in the pilot program would be contingent on the adoption of the transition plan by the county board of chosen freeholders.

The schools of the county selected for participation in the pilot program would be conducted by and under the supervision of a board of education of the county administrative school district and administered by a chief school administrator of the county administrative school district. Local boards of education in the county, including the vocational school district and county special services school district boards, if any, would continue to exist in an

1 advisory role; however, district boards would cede authority to
2 govern the public schools within their jurisdiction to the county
3 administrative board of education.

4 The bill would abolish local district-level administrative or
5 supervisory personnel positions, including the district
6 superintendent of schools. The county administrative board of
7 education would instead appoint a district supervisor for each
8 municipality in the county to oversee operations of the public
9 schools located in the municipality and perform such other duties as
10 the board may prescribe. The district supervisor would work under
11 the supervision of the chief school administrator.

12 The county administrative board of education would consist of
13 the executive county superintendent of schools and four members
14 appointed, with the advice and consent of the county board of
15 chosen freeholders, by the chief elected executive officer of the
16 county or the director of the board of chosen freeholders, as
17 appropriate to the appointment procedures established by the form
18 of government of the county. A member would be required to be a
19 citizen and resident of the county during service and for the three
20 years preceding appointment. No more than two members of the
21 same political party would be permitted to serve on the board.

22 The county administrative board of education would organize
23 annually on November 1 by the election of a president and vice-
24 president. The board would have the same powers to govern the
25 county administrative school district that school district boards of
26 education have to govern school districts. For example, the board
27 would have the power to enter into contracts for the provision or
28 performance of goods or services, purchase, sell, and improve
29 school grounds, and take and condemn land and other property for
30 school purposes.

31 The chief school administrator of the county administrative
32 school district would be appointed by contract by the Governor for
33 a term of no fewer than three nor more than five years. An
34 appropriate certificate, as prescribed by the State board, would be
35 required for the position. The chief school administrator would
36 have general supervision over all aspects of the county
37 administrative school district, including fiscal operations and
38 instructional programs, under rules and regulations prescribed by
39 the State board, and would have such other powers and perform
40 such additional duties as may be prescribed by the board of
41 education of the county administrative school district.

42 The board of education of the county administrative school
43 district and the board of chosen freeholders would each be required
44 to submit a report to the commissioner no later than eight years
45 after the establishment of the county administrative school district.
46 The report would contain, at a minimum, an evaluation of the
47 relative merits of the county administrative school district, as
48 compared with the public school system in place in the county prior

1 to the implementation of the pilot program, and recommendations
2 on whether the pilot program, or components of the pilot program,
3 should be established in the county on a permanent basis. The
4 commissioner would then, no later than nine years after the
5 establishment of the county administrative school district, submit to
6 the Governor and the Legislature an evaluation of the effectiveness
7 of the pilot program. The commissioner's evaluation would, at a
8 minimum, include a detailed analysis of the impact of the pilot
9 program on administrative costs and student achievement in the
10 county selected for participation, copies of the reports submitted to
11 the commissioner by the board of chosen freeholders of the pilot
12 county and the board of education of the county administrative
13 school district, and the commissioner's recommendation on the
14 advisability of the pilot program's continuation and expansion to
15 other counties.