

18A:17-20

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NJSA: 18A:17-20 et al

(School  
superintendents--revise  
tenure  
procedures)

LAWS OF: 1991

CHAPTER: 267

Bill No: A1131

Sponsor(s): Kalik

Date Introduced: Pre-filed

Committee: Assembly: Education; Appropriations

Senate: -----

Amended during passage: Yes      Amendments during passage  
denoted by asterisks.

Date of Passage: Assembly: June 13, 1991

Senate: June 24, 1991

Date of Approval: August 26, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: No

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:

KBG/SLJ

"Tenure is outlawed for school chiefs," 8-25-91

"School superintendents lose lifetime tenure," 8-25-91 The Record [Bergen]

"New ban on tenure still prompts debate," 8-26-91, Star-Ledger [Newark]

"New ban on tenure still prompts debate," 8-26-91, Star-Ledger

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[THIRD REPRINT]  
ASSEMBLY, No. 1131

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblywoman KALIK

1 AN ACT concerning <sup>2</sup>[superintendents of schools and  
2 administrative principals] certain supervisory personnel in local  
3 school districts<sup>2</sup>, amending N.J.S.18A:17-15 <sup>2</sup>[,  
4 N.J.S.18A:17-20]<sup>2 3</sup>, N.J.S.18A:17-20<sup>3</sup> and N.J.S.18A:28-5 <sup>2,2</sup>  
5 and supplementing Title 18A of the New Jersey Statutes.  
6

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

9 1. N.J.S.18A:17-15 is amended to read as follows:  
10 18A:17-15. The board of education of a Type I district and of  
11 any Type II district, now having or hereafter authorized to have  
12 a superintendent of schools, [may] <sup>2</sup>[shall] may<sup>2</sup> by contract  
13 appoint, for a term [not exceeding] of not less than three nor  
14 more than five years and expiring July 1, a superintendent of  
15 schools by the recorded roll call majority vote of the full  
16 membership of the board.

17 A superintendent of schools [may] <sup>2</sup>[shall] may<sup>2</sup> be appointed  
18 for a like term also in any other Type II district or in any other  
19 two or more Type II districts as follows:

20 Application for the establishment of the office of  
21 superintendent of schools for the district or districts shall be  
22 made to the county superintendent of the county or the county  
23 superintendent of each of the counties in which such district or  
24 districts are situate and if said application is agreed to in  
25 writing by such county superintendent or county superintendents  
26 and shall be approved by the commissioner and the State board,  
27 the board of education of such a district so applying may appoint  
28 a superintendent of schools for a single district in the manner  
29 hereinbefore provided or the commissioner shall appoint, subject  
30 to the approval of the State board, a superintendent of schools  
31 for two or more districts making such application and the State  
32 board shall apportion the expense of maintaining such a  
33 superintendent in more than one district equitably between the  
34 districts.

35 (cf: N.J.S.18A:17-15)

36 <sup>2</sup>[2. N.J.S.18A:17-20 is amended to read as follows:  
37 18A:17-20. <sup>1</sup>[The] a. Any<sup>1</sup> superintendent of schools <sup>1</sup>[shall  
38 be the chief executive and administrative officer of the board or

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.

Matter enclosed in superscript numerals has been adopted as follows.

<sup>1</sup> Assembly AAP committee amendments adopted June 10, 1991

<sup>2</sup> Senate floor amendments adopted June 20, 1991.

<sup>3</sup> Assembly floor amendments adopted July 15, 1991.

1 boards of education employing him and] , who has acquired  
2 tenure in the position of superintendent as of the effective date  
3 of P.L. , c. (C. ) (now pending before the Legislature as  
4 this bill),<sup>1</sup> shall have general supervision over the schools of the  
5 district or districts under rules and regulations prescribed by the  
6 State board and shall keep himself informed as to their condition  
7 and progress and shall report thereon, from time to time, to, and  
8 as directed by, the board and he shall have such other powers  
9 and perform such other duties as may be prescribed by the board  
10 or boards employing him.

11 He shall have a seat on the board or boards of education  
12 employing him and the right to speak on all [educational]  
13 <sup>1</sup>educational<sup>1</sup> matters at meetings of the board or boards but  
14 shall have no vote.

15 <sup>1</sup>b. Any superintendent of schools who has not acquired  
16 tenure in the position of superintendent as of the effective date  
17 of P.L. , c. (C. ) (now pending before the Legislature as  
18 this bill) but who holds tenure during the term of his  
19 employment contract pursuant to section 5 of P.L. , c.  
20 (C. ) (now pending before the Legislature as this bill), shall be  
21 the chief executive and administrative officer of the board or  
22 boards of education employing him and shall have general  
23 supervision over all aspects, including the fiscal operations and  
24 instructional programs, of the schools of the district or districts  
25 under rules and regulations prescribed by the State board and  
26 shall keep himself informed as to their condition and progress  
27 and shall report thereon, from time to time, to, and as directed  
28 by, the board and he shall have such other powers and perform  
29 such other duties as may be prescribed by the board or boards  
30 employing him.

31 He shall have a seat on the board or boards of education  
32 employing him and the right to speak on all matters at meetings  
33 of the board or boards but shall have no vote.<sup>1</sup>

34 (cf: N.J.S.18A:17-20)]<sup>2</sup>

35 <sup>3</sup>[<sup>2</sup>2. (New section) A board of education which employs an  
36 assistant superintendent or other executive administrators  
37 responsible for curriculum, business and finance, or personnel  
38 shall, by contract, appoint the assistant superintendent or  
39 executive administrators for a term of not less than three nor  
40 more than five years and expiring July 1.<sup>2</sup>]<sup>3</sup>

41 <sup>3</sup>2. N.J.S.18A:17-20 is amended to read as follows:

42 18A:17-20. [The] a. Any superintendent of schools , who has  
43 acquired tenure in the position of superintendent as of the  
44 effective date of P.L. , c. (C. ) (now pending before the  
45 Legislature as this bill), shall have general supervision over the  
46 schools of the district or districts under rules and regulations  
47 prescribed by the State board and shall keep himself informed as  
48 to their condition and progress and shall report thereon, from  
49 time to time, to, and as directed by, the board and he shall have

1 such other powers and perform such other duties as may be  
2 prescribed by the board or boards employing him.

3 He shall have a seat on the board or boards of education  
4 employing him and the right to speak on all educational matters  
5 at meetings of the board or boards but shall have no vote.

6 b. Any superintendent of schools who has not acquired tenure  
7 in the position of superintendent as of the effective date of  
8 P.L. , c. (C. ) (now pending before the Legislature as this  
9 bill) but who holds tenure during the term of his employment  
10 contract pursuant to section 5 of P.L. , c. (C. ) (now  
11 pending before the Legislature as this bill), shall be the chief  
12 executive and administrative officer of the board or boards of  
13 education employing him and shall have general supervision over  
14 all aspects, including the fiscal operations and instructional  
15 programs, of the schools of the district or districts under rules  
16 and regulations prescribed by the State board and shall keep  
17 himself informed as to their condition and progress and shall  
18 report thereon, from time to time, to, and as directed by, the  
19 board and he shall have such other powers and perform such  
20 other duties as may be prescribed by the board or boards  
21 employing him.

22 He shall have a seat on the board or boards of education  
23 employing him and the right to speak on all matters at meetings  
24 of the board or boards but shall have no vote.<sup>3</sup>

25 (cf: N.J.S.18A:17-20)

26 3. N.J.S.18A:28-5 is amended to read as follows:

27 18A:28-5. The services of all teaching staff members  
28 including all teachers, principals <sup>2</sup>[other than administrative  
29 principals]<sup>2</sup> <sup>3</sup>other than administrative principals<sup>3</sup>, assistant  
30 principals, vice principals, [superintendents,] <sup>2</sup>[assistant  
31 superintendents,]<sup>2</sup> <sup>3</sup>assistant superintendents,<sup>3</sup> and all school  
32 nurses including school nurse supervisors, head school nurses,  
33 chief school nurses, school nurse coordinators, and any other  
34 nurse performing school nursing services and such other  
35 employees <sup>3</sup>[<sup>2</sup>, other than those executive administrators  
36 responsible for curriculum, business and finance, or  
37 personnel,<sup>2</sup>]<sup>3</sup> as are in positions which require them to hold  
38 appropriate certificates issued by the board of examiners,  
39 serving in any school district or under any board of education,  
40 excepting those who are not the holders of proper certificates in  
41 full force and effect, shall be under tenure during good behavior  
42 and efficiency and they shall not be dismissed or reduced in  
43 compensation except for inefficiency, incapacity, or conduct  
44 unbecoming such a teaching staff member or other just cause  
45 and then only in the manner prescribed by subarticle B of article  
46 2 of chapter 6 of this Title, after employment in such district or  
47 by such board for:

48 (a) Three consecutive calendar years, or any shorter period  
49 which may be fixed by the employing board for such purpose; or

1 (b) Three consecutive academic years, together with  
2 employment at the beginning of the next succeeding academic  
3 year; or

4 (c) The equivalent of more than three academic years within  
5 a period of any four consecutive academic years [; provided that  
6 the time in which such teaching staff member has been  
7 employed as such in the district in which he was employed at the  
8 end of the academic year immediately preceding July 1, 1962,  
9 shall be counted in determining such period or periods of  
10 employment in that district or under that board but no such  
11 teaching staff member shall obtain tenure prior to July 1, 1964,  
12 in any position in any district or under any board of education  
13 other than as a teacher, principal, assistant superintendent or  
14 superintendent, or as a school nurse, school nurse supervisor,  
15 head school nurse, chief school nurse, school nurse coordinator,  
16 or as the holder of any position under which nursing services are  
17 performed in the public schools].

18 (cf: N.J.S.18A:28-5)

19 4. (New section) At the conclusion of the term of <sup>2</sup>[a  
20 superintendent's] the<sup>2</sup> initial contract or of any subsequent  
21 contract as hereinafter provided, the superintendent  
22 <sup>3</sup>[<sup>2</sup>,assistant superintendent or executive administrator  
23 responsible for curriculum, business and finance, or personnel<sup>2</sup>]<sup>3</sup>  
24 shall be deemed reappointed for another contracted term of the  
25 same duration as the previous contract unless either: a. the  
26 board by contract reappoints <sup>2</sup>[the superintendent] him<sup>2</sup> for a  
27 different term which term shall be not less than three nor more  
28 than five years, in which event reappointments thereafter shall  
29 be deemed for the new term unless a different term is again  
30 specified; or b. at least one year prior to the expiration of the  
31 first or any subsequent contract the board shall notify the  
32 superintendent <sup>3</sup>[<sup>2</sup> assistant superintendent or executive  
33 administrator<sup>2</sup>]<sup>3</sup> in writing that <sup>2</sup>[the superintendent shall] he  
34 will<sup>2</sup> not be reappointed at the end of the current term, in which  
35 event <sup>2</sup>[the superintendent's] his<sup>2</sup> employment shall cease at  
36 the expiration of that term.

37 5. (New section) <sup>2</sup>[Every superintendent of schools shall hold  
38 tenure in that office during] During<sup>2</sup> the term of any  
39 employment contract with the board, <sup>2</sup>[and during tenure]<sup>2</sup> a  
40 superintendent <sup>3</sup>[<sup>2</sup>,an assistant superintendent or executive  
41 administrator responsible for curriculum, business and finance,  
42 or personnel<sup>2</sup>]<sup>3</sup> shall not be dismissed or reduced in  
43 compensation except for inefficiency, incapacity, <sup>2</sup>[unbecoming]  
44 or<sup>2</sup> conduct <sup>2</sup>unbecoming a superintendent <sup>3</sup>[<sup>2</sup>,an assistant  
45 superintendent or executive administrator<sup>2</sup>]<sup>3</sup> or other just cause  
46 and then only in the manner prescribed by subarticle B of article  
47 2 of chapter 6 of Title 18A of the New Jersey Statutes.

48 <sup>2</sup>[Notwithstanding any other provision of this act to the  
49 contrary, the board of education shall have the right at any

1 time, by the recorded roll call majority vote of the full  
2 membership of the board, to terminate the contract and the  
3 corresponding tenure of the superintendent granted pursuant to  
4 this act upon paying the superintendent the full amount of  
5 compensation which the superintendent would have received had  
6 the superintendent served the remaining period of the contract,  
7 and the amount of compensation the superintendent would have  
8 received had the superintendent served during the period of any  
9 contract for which the superintendent is deemed to have been  
10 reappointed in accordance with the provisions of section 4 of  
11 P.L. , c. (C. ) (now pending before the Legislature as  
12 this bill).]<sup>2</sup>

13 <sup>2</sup>[16. (New section) a. Every local board of education having  
14 a superintendent shall evaluate the performance of the  
15 superintendent at least once a year. Each evaluation shall be in  
16 writing, a copy shall be provided to the superintendent and the  
17 superintendent and the board shall meet to discuss the findings.  
18 The evaluations shall be based upon the goals and objectives of  
19 the district, the responsibilities of the superintendent and such  
20 other criteria as the State Board of Education shall by  
21 regulation prescribe. Any contract entered into pursuant to  
22 N.J.S.18A:17-15 shall provide for an evaluation pursuant to this  
23 section and may provide for additional evaluation criteria or  
24 procedures which shall not be inconsistent with the regulations  
25 of the State board.

26 b. The New Jersey School Boards Association shall establish a  
27 training program for local school board members on the  
28 evaluation of superintendents pursuant to subsection a. of this  
29 section. Every newly appointed or elected school board member  
30 shall complete the training program within 6 months of  
31 commencement of his term of office.<sup>1</sup><sup>2</sup>

32 <sup>2</sup>[17. (New section) a. There is hereby established in the  
33 Department of Education a commission to be known as the  
34 "Superintendent Certification Commission."

35 b. The commission shall consist of ten members: the  
36 Commissioner of Education, or his designee, who shall serve  
37 ex-officio; two representatives of higher education institutions  
38 within the State which offer programs that prepare students to  
39 become superintendents to be appointed by the Chancellor of  
40 Higher Education; two superintendents, one school board  
41 member, one principal and one teacher all currently serving in  
42 their respective positions to be appointed by the Commissioner  
43 of Education; and two public members to be appointed by the  
44 Governor.

45 c. Members of the commission shall serve without  
46 compensation but shall be reimbursed for necessary expenses  
47 incurred in the performance of their duties.

48 d. The commission shall study the skills and knowledge which  
49 are necessary to serve as superintendent and shall prepare,

1 within 18 months of the effective date of this amendatory and  
2 supplementary act, a report to the State board with its findings  
3 and recommendations.

4 e. The commission shall dissolve 30 days after presentation of  
5 its report to the State board pursuant to subsection d. of this  
6 section.<sup>1</sup><sup>2</sup>

7 <sup>3</sup>6. (New section) a. Every local board of education having a  
8 superintendent shall evaluate the performance of the  
9 superintendent at least once a year. Each evaluation shall be in  
10 writing, a copy shall be provided to the superintendent and the  
11 superintendent and the board shall meet to discuss the findings.  
12 The evaluations shall be based upon the goals and objectives of  
13 the district, the responsibilities of the superintendent and such  
14 other criteria as the State Board of Education shall by  
15 regulation prescribe. Any contract entered into pursuant to  
16 N.J.S.18A:17-15 shall provide for an evaluation pursuant to this  
17 section and may provide for additional evaluation criteria or  
18 procedures which shall not be inconsistent with the regulations  
19 of the State board.

20 b. The New Jersey School Boards Association shall establish a  
21 training program for local school board members on the  
22 evaluation of superintendents pursuant to subsection a. of this  
23 section. Every newly appointed or elected school board member  
24 shall complete the training program within 6 months of  
25 commencement of his term of office.<sup>3</sup>

26 <sup>3</sup>7. (New section) a. There is hereby established in the  
27 Department of Education a commission to be known as the  
28 "Superintendent Certification Commission."

29 b. The commission shall consist of ten members: the  
30 Commissioner of Education, or his designee, who shall serve  
31 ex-officio; two representatives of higher education institutions  
32 within the State which offer programs that prepare students to  
33 become superintendents to be appointed by the Chancellor of  
34 Higher Education; two superintendents, one school board  
35 member, one principal and one teacher all currently serving in  
36 their respective positions to be appointed by the Commissioner  
37 of Education; and two public members to be appointed by the  
38 Governor.

39 c. Members of the commission shall serve without  
40 compensation but shall be reimbursed for necessary expenses  
41 incurred in the performance of their duties.

42 d. The commission shall study the skills and knowledge which  
43 are necessary to serve as superintendent and shall prepare,  
44 within 18 months of the effective date of this amendatory and  
45 supplementary act, a report to the State board with its findings  
46 and recommendations.

47 e. The commission shall dissolve 30 days after presentation of  
48 its report to the State board pursuant to subsection d. of this  
49 section.<sup>3</sup>

1       <sup>1</sup>[6.] <sup>2</sup>[8.1] <sup>3</sup>[6.2] 8.<sup>3</sup> (New section) <sup>1</sup>[No superintendent of  
 2 schools hereafter appointed shall have tenure in any other  
 3 position in the district.]<sup>1</sup> <sup>2</sup>[Nothing] <sup>3</sup>[No superintendent of  
 4 schools, assistant superintendent or executive administrator  
 5 responsible for curriculum, business and finance, or personnel  
 6 hereafter appointed shall have tenure in any other position in  
 7 the district; but nothing<sup>2</sup>] Nothing<sup>3</sup> in this section or in <sup>2</sup>[P.L.  
 8 , c. (C. ) (now pending before the Legislature as this  
 9 bill)] this act<sup>2</sup> shall affect any tenure rights which shall have  
 10 already accrued to any superintendent <sup>3</sup>[<sup>2</sup>,assistant  
 11 superintendent or executive administrator<sup>2</sup>]<sup>3</sup> prior to the  
 12 effective date of <sup>2</sup>[P.L. , c. (C. ) (now pending before  
 13 the Legislature as this bill)] this amendatory and supplementary  
 14 act<sup>2</sup>. <sup>2</sup>[<sup>1</sup>A superintendent of schools promoted from within a  
 15 district shall retain all tenure rights accrued in any position  
 16 which was previously held by the superintendent in the  
 17 district.<sup>1</sup>]<sup>2</sup> <sup>3</sup>A superintendent of schools promoted from within a  
 18 district shall retain all tenure rights accrued in any position  
 19 which was previously held by the superintendent in the district.<sup>3</sup>

20       <sup>2</sup>[<sup>1</sup>[7.] 9.<sup>1</sup> (New section) In any district not having a  
 21 superintendent of schools, the board of education shall appoint  
 22 an administrative principal for the district. In a district having  
 23 two or more schools the board shall appoint the principal of one  
 24 of those schools as administrative principal, and in a district  
 25 having only one school, the principal of that school shall be so  
 26 appointed. The appointment of an administrative principal shall  
 27 be made by contract for a term of not less than three nor more  
 28 than five years and expiring July 1, by the recorded roll call  
 29 majority vote of the full membership of the board.  
 30 Reappointment of the administrative principal shall be governed  
 31 by the same provisions as set forth in section 4 of P.L. , c.  
 32 (C. ) (now pending before the Legislature as this bill)  
 33 with respect to superintendents.

34       The administrative principal shall have all the powers,  
 35 authority, privileges, rights and duties set forth in  
 36 N.J.S.18A:17-20 and <sup>1</sup>[section] sections<sup>1</sup> 5<sup>1</sup> and 6<sup>1</sup> of P.L. ,  
 37 c. (C. ) (now pending before the Legislature as this bill)  
 38 with respect to superintendents.

39       No administrative principal hereafter appointed shall have  
 40 tenure in any other position in the district; but nothing in this  
 41 section or in P.L. , c. (C. ) (now pending before the  
 42 Legislature as this bill) shall affect any tenure rights which shall  
 43 have already accrued to any individual who was appointed as or  
 44 functioning as an administrative principal prior to the effective  
 45 date of P.L. , c. (C. ) (now pending before the  
 46 Legislature as this bill).]<sup>2</sup>

47       <sup>3</sup>9. (New section) In any district not having a superintendent  
 48 of schools, the board of education shall appoint an  
 49 administrative principal for the district. In a district having two



1 or more schools the board shall appoint the principal of one of  
 2 those schools as administrative principal, and in a district having  
 3 only one school, the principal of that school shall be so  
 4 appointed. The appointment of an administrative principal shall  
 5 be made by contract for a term of not less than three nor more  
 6 than five years and expiring July 1, by the recorded roll call  
 7 majority vote of the full membership of the board.  
 8 Reappointment of the administrative principal shall be governed  
 9 by the same provisions as set forth in section 4 of P.L. , c.  
 10 (C. ) (now pending before the Legislature as this bill)  
 11 with respect to superintendents.

12 The administrative principal shall have all the powers,  
 13 authority, privileges, rights and duties set forth in  
 14 N.J.S.18A:17-20 and sections 5 and 6 of P.L. , c. (C. )  
 15 (now pending before the Legislature as this bill) with respect to  
 16 superintendents.

17 No administrative principal hereafter appointed shall have  
 18 tenure in any other position in the district; but nothing in this  
 19 section or in P.L. , c. (C. ) (now pending before the  
 20 Legislature as this bill) shall affect any tenure rights which shall  
 21 have already accrued to any individual who was appointed as or  
 22 functioning as an administrative principal prior to the effective  
 23 date of P.L. , c. (C. ) (now pending before the  
 24 Legislature as this bill).<sup>3</sup>

25 <sup>1</sup>[8.] <sup>2</sup>[10.1] <sup>3</sup>[7.2] 10.<sup>3</sup> (New section) <sup>2</sup>[P.L. , c. (C. )  
 26 (now pending before the Legislature as this bill)] This act<sup>2</sup> shall  
 27 not impair the validity of any contract of employment between  
 28 a board of education and a superintendent of schools <sup>2</sup>[or an  
 29 administrative principal] <sup>3</sup>[,an assistant superintendent or  
 30 executive administrator responsible for curriculum, business and  
 31 finance or personnel<sup>2</sup>] or an administrative principal<sup>3</sup> which was  
 32 entered into prior to the effective date of <sup>2</sup>[P.L. , c.  
 33 (C. ) (now pending before the Legislature as this bill)] this  
 34 amendatory and supplementary act<sup>2</sup>.

35 <sup>1</sup>[9.] <sup>2</sup>[11.1] <sup>3</sup>[8.2] 11.<sup>3</sup> This act shall take effect immediately.

36

37

38

## EDUCATION

39

40 Provides for the employment of superintendents and  
 41 administrative principals for the duration of three to five year  
 42 contracts; establishes an evaluation procedure.

1 of the full membership of the board. Reappointment of the  
2 administrative principal shall be governed by the same  
3 provisions as set forth in section 4 of this act with respect to  
4 superintendents.

5 The administrative principal shall have all the powers,  
6 authority, privileges, rights and duties set forth in sections 2 and  
7 5 of this amendatory and supplementary act with respect to  
8 superintendents.

9 No administrative principal hereafter appointed shall have  
10 tenure in any other position in the district; but nothing in this  
11 section or in this act shall affect any tenure rights which shall  
12 have already accrued to any individual who was appointed as or  
13 functioning as an administrative principal prior to the effective  
14 date of this act.

15 8. (New section) This act shall not impair the validity of any  
16 contract of employment between a board of education and a  
17 superintendent of schools or an administrative principal which  
18 was entered into prior to the effective date of this amendatory  
19 and supplementary act.

20 9. This act shall take effect immediately.

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23

#### STATEMENT

24

25 This bill modifies the existing law respecting the tenure of a  
26 superintendent of schools to substitute for the present career  
27 tenure a period of tenure for the duration of the contract  
28 between the board of education and the superintendent, which  
29 shall be for not less than three nor more than five years. The  
30 bill provides for automatic renewal of the superintendent's  
31 contract for successive periods of not less than three nor more  
32 than five years, with the option in the board to terminate  
33 employment at the end of a particular contract period on not  
34 less than one year's notice.

35 Situations have arisen where a superintendent of schools can  
36 no longer operate effectively with his employing board of  
37 education because of differences in educational philosophy or  
38 because changes of circumstances have rendered the  
39 superintendent inadequate for the particular position. The bill  
40 recognizes the superintendent of schools as the board's chief  
41 executive officer, responsible to the board of education for the  
42 overall administration of the local school system as directed by  
43 the board. It is essential therefore that the board have an  
44 option to terminate the employment of an unsatisfactory  
45 superintendent within a reasonable period of time, and that on  
46 the other hand the superintendent enjoy job security for the  
47 duration of his contract. This bill is designed to accomplish both  
48 of these important purposes.

1       This bill makes virtually the same provisions with regard to  
2 administrative principals in those districts which have no  
3 superintendent of schools.

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EDUCATION

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8       Grants tenure to superintendent of schools and administrative  
9 principles only for the duration of three to five year contracts.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1131

STATE OF NEW JERSEY

DATED: APRIL 29, 1991

The Assembly Education Committee favorably reports Assembly Bill No. 1131.

This bill revises existing law regarding the tenure of a superintendent of schools to substitute for the present career tenure a period of tenure for the duration of the contract between the local board of education and the superintendent. Under the bill's provisions, the term of the contract between the board and the superintendent is to be not less than three years nor more than five years.

The bill also provides that at the end of the term of the initial contract between the board of education and the superintendent, the superintendent shall be deemed reappointed for another term of the same duration as the previous term unless either the board appoints him for a different term or at least one year prior to the expiration of the contract the board notifies the superintendent in writing that he will not be reappointed. In the event that the superintendent is notified that he will not be reappointed, his employment will cease at the end of the contract period.

The bill stipulates that a superintendent shall hold tenure during the term of the contract with the board and during the contract period shall not be dismissed or reduced in compensation except for inefficiency, incapacity, unbecoming conduct, or other just cause. The bill does, however, authorize the board of education to terminate the contract with the superintendent upon paying to the superintendent the amount of compensation he would have received had he served the remainder of the contract period and the period of any contract for which he is deemed to have been reappointed.

The provisions of the bill will not affect the tenure rights of any superintendent which have accrued as of the effective date of the bill and will not impair the validity of any contract entered into prior to its effective date.

Finally, the bill provides that any district which does not have a superintendent of schools shall appoint an administrative principal pursuant to a contract who shall have the same tenure rights during the contract period as outlined for superintendents under the bill.

Representatives of the New Jersey School Boards Association, Department of Education, League of Women Voters, I have A Dream Foundation, New Jersey Business and Industry Association, a number of school board members and members of the public testified in favor of the bill. Representatives of the New Jersey Education Association, New Jersey Association of School Administrators, New Jersey Association of School Business Officials, New Jersey Principals and Supervisors Association and a number of school

superintendents testified in opposition to the bill.

This bill was prefiled for introduction into the 1990 session pending technical review. As reported, the bill includes the changes required for technical review which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1131

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1991

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1131 with committee amendments.

Assembly Bill No. 1131, as amended, eliminates career tenure for superintendents of schools. In place of career tenure, the bill provides that tenure shall be for the duration of the contract between a superintendent and a local board of education. The bill also changes the specified terms of such contracts, expands the powers of superintendents who acquire contract tenure pursuant to the bill, and makes other changes in the law.

The bill provides that the term of a contract between a local board and a superintendent shall be not less than three and not more than five years; current law specifies only that such contracts shall be for not more than five years.

The bill provides that a superintendent under contract shall not be dismissed or reduced in compensation except for inefficiency, incapacity, unbecoming conduct, or other just cause. A board of education may also terminate a contract upon payment of the amount of compensation the superintendent would have received had he served the remainder of the contract period. The bill requires each board of education to evaluate the job performance of the superintendent annually; new school board members will be trained in performance evaluations by the School Boards Association. The bill also establishes a "Superintendent Certification Commission" in the Department of Education to study and prepare a report on necessary skills and knowledge for a superintendent.

Finally, the bill provides that any district which does not have a superintendent of schools shall appoint an administrative principal pursuant to a contract, who shall have the same new, modified tenure provision.

FISCAL IMPACT:

This bill will have no direct fiscal impact on the State.

COMMITTEE AMENDMENTS:

The committee amendments modify the expanded powers granted to superintendents by the bill and also provide that those powers apply only to those superintendents who acquire tenure after the effective date, and pursuant to section 5, of the bill. The

statutory powers and duties of superintendents who have acquired lifetime tenure prior to the effective date of the bill are unchanged by the bill. The amendments also provide for the annual evaluation of superintendents and the establishment of the "Superintendent Certification Commission." Finally, the amendments make certain technical and clarifying changes.