

18A:17A-1 to 18A:17A-11

LEGISLATIVE HISTORY CHECKLIST
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(Newark schools--organizational structure)

NJSA: 18A:17A-1 to 18A:17A-11

LAWS OF: 1975 **CHAPTER:** 169

BILL NO: S3166

SPONSOR(S) Dodd and others

DATE INTRODUCED: April 17, 1975

COMMITTEE: **ASSEMBLY:** ---
SENATE: Education

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by asterisks

DATE OF PASSAGE: **ASSEMBLY:** July 30, 1975
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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

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COMMITTEE STATEMENT: **ASSEMBLY:** No
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: No

Report, mentions in statements:
974.90 New Jersey. Dept. of Education.
S372 Report to the special agent...to oversee the implementation of
1975e fiscal reforms...Newark School system. October 30, 1975.
Trenton, 1975.

SENATE, No. 3166

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1975

By Senators DODD, WILEY, McDONOUGH, LIPMAN and ORECHIO
Referred to Committee on Education

AN ACT establishing an organizational structure for school districts in certain cities and supplementing Title 18A of the New Jersey Statutes.

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

1 1. **[In districts]** *Districts* in cities of the first class with
2 a population over 325,000 **[**, subject to the approval of the com-
3 missioner **]** **[, the]** *shall have a unit control organizational*
4 *structure. The* board of education shall appoint, **[for a term**
5 **not to exceed 5 years]** *for a term of not less than 3 but not more*
6 *than 5 years*, a chancellor **]** *for a first term not to exceed 3*
7 *years and for any subsequent term for said person not to exceed*
8 *5 years, an executive superintendent* by the recorded roll call
9 majority vote of the full membership of the board. The **[chancel-**
10 **lor]** *executive superintendent* shall receive such salary as
11 the board shall determine. The salary of the **[chancellor]**
12 *executive superintendent* shall not be reduced during his term
13 of office. Notwithstanding any other provision of the law, no
14 **[chancellor]** *executive superintendent* shall acquire
15 tenure.

1 2. No person shall be appointed, or act as, or perform the duties
2 of, **[chancellor]** *executive superintendent*, unless he holds
3 an appropriate certificate as prescribed by the State board; **[pro-**
4 **vided** however, that any person serving as superintendent of
5 schools in any district in a city of the first class with a population
6 over 325,000 as of the effective date of this act shall be eligible
7 for appointment to, or act as, or perform the duties of chancel-
8 lor **]** *provided, however, that in addition to State certification*
9 *requirements the executive superintendent shall meet additional*
10 *criteria as shall be determined by the board of education. Such*
11 *additional criteria for the executive superintendent shall be*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

12 *determined and set forth and the public shall be given notice of*
 13 *such criteria prior to the start of the selection process**.*

1 3. The ****[chancellor]**** ***executive superintendent*** shall be
 2 the chief executive officer and administrator of the district.
 3 ****[He]**** ***Pursuant to rules and regulations established by the*
 4 *board of education, the executive superintendent*** shall have
 5 responsibility and general supervision over the organization and
 6 the educational, managerial, and fiscal operations of the district,
 7 including the schools therein, under rules and regulations pre-
 8 scribed by the State board. He shall have supervisory authority
 9 over all officers and employees*, *professional and nonprofessional,**
 10 of the district, all of whom shall report to him, and he shall pre-
 11 scribe their duties. He shall keep himself informed as to the
 12 condition and progress of the educational, managerial, and fiscal
 13 operations of the district and shall report thereon, from time to
 14 time, to, and as directed by, the board and he shall have such
 15 other powers and perform such other duties as may be prescribed
 16 by the board employing him. ***[The chancellor may appoint and**
 17 **remove, subject to the provisions of law, such officers, employees**
 18 **and assistants as he shall deem necessary for performance of**
 19 **the duties and functions of his office and, within the limits of**
 20 **available funds, fix their compensation.]***

21 He shall have a seat on the board of education employing him
 22 and the right to speak on all educational, managerial, and fiscal
 23 matters at meetings of the board but shall have no vote.

1 4. **The positions of ****[superintendent]**** ****superintendents*****
 2 *of schools, assistant ****[superintendent]**** ****superintendents*****
 3 *of schools, school business administrator, school business manager,*
 4 *secretary to the board of education and assistant secretary to the*
 5 *board of education in such cities are hereby abolished.** The
 6 ****[chancellor]**** ***executive superintendent*** shall perform all
 7 the duties and possess all the powers heretofore and hereafter
 8 assigned to the superintendent of schools, secretary of the board
 9 of education, school business administrator, school business man-
 10 ager, and assistants and clerks thereto, in Title 18A of the New
 11 Jersey Statutes.

1 **5. All officers and employees, professional and nonprofessional,*
 2 *shall be employed, transferred and removed as provided below.*

3 a. The ****[chancellor]**** ***executive superintendent*** may
 4 appoint, transfer, pursuant to the provisions of Title 11 of the
 5 Revised Statutes, and, pursuant to Article 1 of chapter 17 of Title
 6 18A of the New Jersey Statutes, remove clerks in his immediate

7 office, but the number and salaries of the clerks shall be determined
8 by the board.

9 b. The ****[chancellor]**** ****executive superintendent****, subject
10 to the approval of the board, shall appoint and fix the compensa-
11 tion of such assistant ****[chancellors]**** ****executive superin-
12 tendents**** as he shall deem necessary; provided, however, the
13 number of assistant ****[chancellors]**** ****executive superin-
14 tendents**** shall not exceed the number of persons serving ****im-
15 medaitely]**** ****immediately**** prior to the effective date of this
16 act in the position of assistant superintendent of schools, school
17 business administrator, school business manager, secretary to the
18 board of education and assistant secretary to the board of educa-
19 tion. An assistant ****[chancellor]**** ****executive superintendent****
20 shall not be appointed for a term exceeding the remainder of the
21 term of the ****[chancellor]**** ****executive superintendent****. Not-
22 withstanding any other provision of law, no assistant ****[chancel-
23 lor]**** ****executive superintendent**** shall acquire tenure.

24 c. The ****[chancellor]**** ****executive superintendent**** shall
25 propose to the board of education all other officers and employees,
26 professional and nonprofessional, for employment, transfer and
27 removal.*

1 ***[5.]*** ***6.*** The ****[chancellor]**** ****executive superintendent****
2 may delegate to subordinate officers or employees in the district
3 such of his powers and duties as he may deem desirable to be
4 exercised under his supervision and direction.

1 ***7.** Except as otherwise provided in this act, the board of educa-
2 tion in districts in cities of the first class with a population over
3 325,000 shall retain the power to perform all acts and do all things
4 consistent with law and State board rules that are necessary for
5 the proper conduct and maintenance of the public schools in its
6 district and all other powers and responsibilities vested in it under
7 Title 18A of the New Jersey Statutes, including but not limited to
8 appointing, transferring or dismissing employees, fixing the terms
9 and salaries of employees, adopting or altering a course of study,
10 and selecteing textbooks.*

1 ***[6.]*** ****[7.]*** ****[Any]**** ****Subject to the provisions of
2 section 12 of this act, any**** person serving under tenure as an
3 assistant superintendent, secretary to the board of education,
4 assistant secretary to the board of education, school business
5 administrator, school business manager***[, or as a clerk thereto,]***
6 in a city of the first class with a population of over 325,000 as of the
7 effective date of this act shall continue to serve ***[in such position**

8 but] *under tenure in the district during good behavior and effi-
 9 ciency and shall not be dismissed or reduced in compensation except
 10 for just cause; provided, however, that they* shall perform only
 11 such *administrative* duties as are prescribed or delegated by the
 12 **[chancellor]** *executive superintendent**.

1 * [7.] * [8.] * 9. In districts in cities of the first class
 2 with a population over 325,000 the commissioner shall appoint an
 3 auditor general, who, subject to the rules and regulations of the
 3A State board, shall:

4 a. Perform post or concurrent audits of such transactions and
 5 accounts kept by or for the district as he may deem necessary;

6 b. Perform management analysis of such transactions and activi-
 7 ties of the district as he may deem necessary in order to improve
 8 the efficiency, productivity and performance of the district and to
 9 disclose and prevent inefficiency in the district;

10 c. Conduct financial, operational and compliance reviews to
 11 improve effective control over income, expenditures, funds, prop-
 12 erty and other assets;

13 d. Determine whether the financial transactions of the district
 14 have been consummated in accordance with laws, regulations or
 15 other legal requirements, and whether adequate internal financial
 16 control over operations is exercised;

17 e. Keep and maintain such records as may be necessary to enable
 18 him to accomplish the duties of the office as in this act provided;

19 f. Organize the office as he shall determine appropriate with the
 20 approval of the commissioner;

21 g. Subject to the approval of the commissioner, appoint, employ,
 22 and with the limits of funds appropriated therefor, fix the com-
 23 pensation of such assistants and employees as the commissioner
 24 shall determine to be required to perform the duties and functions
 25 of the office;

26 h. Report at least annually to the commissioner on the operations
 27 of the office;

28 i. Perform such other duties as shall be directed by the com-
 29 missioner.

1 * [8.] * [9.] * 10. The auditor general shall report
 2 directly to the commissioner but he shall keep the board of educa-
 3 tion *and the **[chancellor]** *executive superintendent** fully
 4 informed of his activities*, findings and recommendations*.]**
 5 **A copy of any written report, finding, or recommendation sub-
 6 mitted by the auditor general shall be provided by the auditor
 7 general simultaneously to the board of education and the executive

8 *superintendent and shall be available for public inspection.***
9 He shall have no administrative authority within the district. The
10 board of education shall maintain suitable quarters within the
11 administrative offices of the district for the auditor general and his
12 staff. The costs associated with the operation and maintenance of
13 the office of the auditor general, including his salary and those of
14 his assistants and employees, shall be determined by the commis-
15 sioner and shall be allocated from the district's State aid; provided,
16 however, that said costs shall not exceed in any school year 15/100
17 of 1% of the district's annual school budget.

1 ***[9.]*** ****[10.]**** **11.** The commissioner shall, ****[3]****
2 **2** years after the effective date of this act, make a compre-
3 hensive report to the Governor and the Legislature assessing the
4 effectiveness of this act.

1 ***[10.]*** ****[11.]**** **12.** This act shall take effect immedi-
2 ately** ; *provided, however, that any person serving under tenure*
3 *as an assistant superintendent, secretary to the board of education,*
4 *or school business manager shall serve as an assistant executive*
5 *superintendent for the school year 1975-76 and perform such admin-*
6 *istrative duties as are prescribed or delegated by the executive*
7 *superintendent; and provided further, that until such time as an*
8 *executive superintendent has been certified, appointed, and quali-*
9 *fied, in any case not to exceed 6 months from the effective date of*
10 *this act, the person serving as superintendent of schools shall act as*
11 *and perform the duties of executive superintendent**.*

17 e. Keep and maintain such records as may be necessary to enable
18 him to accomplish the duties of the office as in this act provided;

19 f. Organize the office as he shall determine appropriate with the
20 approval of the commissioner;

21 g. Subject to the approval of the commissioner, appoint, employ,
22 and with the limits of funds appropriated therefor, fix the com-
23 pensation of such assistants and employees as the commissioner
24 shall determine to be required to perform the duties and functions
25 of the office;

26 h. Report at least annually to the commissioner on the operations
27 of the office;

28 i. Perform such other duties as shall be directed by the com-
29 missioner.

1 8. The auditor general shall report directly to the commissioner
2 but he shall keep the board of education fully informed of his
3 activities. He shall have no administrative authority within the
4 district. The board of education shall maintain suitable quarters
5 within the administrative offices of the district for the auditor
6 general and his staff. The costs associated with the operation and
7 maintenance of the office of the auditor general, including his salary
8 and those of his assistants and employees, shall be determined by
9 the commissioner and shall be allocated from the district's State
10 aid; provided, however, that said costs shall not exceed in any
11 school year 15/100 of 1% of the district's annual school budget.

1 9. The commissioner shall, 3 years after the effective date of this
2 act, make a comprehensive report to the Governor and the Legis-
3 lature assessing the effectiveness of this act.

1 10. This act shall take effect immediately.

SPONSORS' STATEMENT

This bill will establish a new organizational structure for school districts in cities of the first class with a population over 325,000. Only the school district in the city of Newark is within this classification. It recognizes the exceptional conditions present in a large metropolitan school system. It proposes specific measures which are aimed at clarifying and simplifying lines of authority and minimizing conflicting responsibilities at the highest levels of administration.

Three purposes of this bill are: (1) to establish a new position, chancellor, in lieu of the position of superintendent of schools as

the chief school officer and vest in him complete authority over the educational, managerial and fiscal operations of the school district; (2) to relieve the board of education of routine administrative responsibilities which have been denying it time for its essential role as policy maker; and (3) to clarify in statute an on-going liaison between the board of education and the State, through the office of the commissioner of education.

The administrative procedures presently in effect were instituted to serve the educational system of an earlier period. The many social and economic transformations which have occurred in Newark during recent decades have made it apparent that the laws and regulations which control its management are no longer in the best interests of the citizens of Newark, the children who attend its public schools, those employed to conduct the school system, nor the citizens of the State of New Jersey.

State aid to Newark exceeds 70% of its operating budget, at the present time. Thus, it is the rightful concern of the entire State that resources from the State allocated to Newark are utilized in a manner which reflects the most sophisticated methodologies in fiscal management and accountability which can be applied to governmental institutions.

These recommendations have been made to the Commissioner of Education by the special agent, appointed by the commissioner, assigned to review managerial practices in the Newark schools. They have been developed following careful analysis of present problems and the procedures which existing statutes either permit or impose upon the operation of the Newark school system. The commissioner concurs in these proposals.