

18A:17-19.2; 18A:7-8 & 18A:7-8.1
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2019 **CHAPTER:** 169

NJSA: 18A:17-19.2; 18A:7-8 & 18A:7-8.1 (Prohibits the DOE from regulating maximum salary amount school district may pay its superintendent of schools and codifies standards for contract review.)

BILL NO: S692 (Substituted for A3775)

SPONSOR(S) M. Teresa Ruiz and others

DATE INTRODUCED: 1/9/2018

COMMITTEE: **ASSEMBLY:** Education

SENATE: Education
 Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 6/27/2019

SENATE: 6/27/2019

DATE OF APPROVAL: 7/19/2019

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

S692

SPONSOR'S STATEMENT: (Begins on page 5 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Education

SENATE: Yes Education
 Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A3775

SPONSOR'S STATEMENT: (Begins on page 5 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

(continued)

LEGISLATIVE FISCAL ESTIMATE:

No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Murphy signs bill to end school superintendent salary cap," Associated Press State Wire: New Jersey, July 19, 2019

"Murphy signs bill ending school super salary cap," The Record, July 20, 2019

"Bye to \$191G cap on school superintendent salaries," The Jersey Journal, July 20, 2019

"N.J. eliminates salary cap on school chiefs," The Star-Ledger, July 20, 2019

"N.J. eliminates salary cap on school chiefs Salary cap," The Times, July 20, 2019

"N.J. eliminates salary cap on school chiefs," Hunterdon County Democrat, July 21, 2019

"Murphy signs law eliminating limits on superintendents' salaries," Burlington County Times, July 23, 2019

"End of cap on schools chiefs' pay in NJ may help hiring," The Record, July 24, 2019

"School chiefs' pay cap never lived up to its hype in Jersey," The Record, July 25, 2019

RWH/CL

P.L. 2019, CHAPTER 169, *approved July 19, 2019*
Senate, No. 692 (*Second Reprint*)

1 AN ACT concerning superintendents of schools, amending
2 N.J.S.18A:7-8, and supplementing ¹chapter 7 and¹ chapter 17 of
3 Title 18A of the New Jersey Statutes.

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

7
8 1. N.J.S.18A:7-8 is amended to read as follows:

9 18A:7-8. Each executive county superintendent shall:

10 a. Visit and examine from time to time all of the schools under
11 his general supervision and exercise general supervision over them
12 in accordance with the rules prescribed from time to time by the
13 State board;

14 b. Keep himself informed as to the management, methods of
15 instruction and discipline and the courses of study and textbooks in
16 use, the condition of the school libraries, and the condition of the
17 real and personal property, particularly in respect to the
18 construction, heating, ventilation and lighting of school buildings,
19 in the local districts under his general supervision, and make
20 recommendations in connection therewith;

21 c. Advise with and counsel the boards of education of the local
22 districts under his general supervision and of any other district of
23 the county when so requested, in relation to the performance of
24 their duties;

25 d. Promote administrative and operational efficiencies and cost
26 savings within the school districts in the county while ensuring that
27 the districts provide a thorough and efficient system of education;

28 e. Based on standards adopted by the commissioner,
29 recommend to the commissioner, who is hereby granted the
30 authority to effectuate those recommendations, that certain school
31 districts be required to enter arrangements with one or more other
32 school districts or educational services commissions for the
33 consolidation of the district's administrative services;

34 f. Recommend to the commissioner the elimination of laws the
35 executive county superintendent determines to be unnecessary State
36 education mandates, other than the categories of laws set forth in
37 section 3 of P.L.1996, c.24 (C.52:13H-3);

38 g. Eliminate districts located in the county that are not
39 operating schools on the effective date of P.L.2009, c.78 (C.18A:8-

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:

¹Assembly AED committee amendments adopted June 10, 2019.

²Assembly floor amendments adopted June 20, 2019.

- 1 43 et al.), in accordance with a plan and schedule included in the
2 plan submitted to and approved by the commissioner;
- 3 h. No later than three years following the effective date of
4 sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.), recommend
5 to the commissioner a school district consolidation plan to eliminate
6 all districts, other than county-based districts and other than
7 preschool or kindergarten through grade 12 districts in the county,
8 through the establishment or enlargement of regional school
9 districts. After the approval of the plan by the commissioner, the
10 executive county superintendent shall require each board of
11 education covered by a proposal in the plan to conduct a special
12 school election, at a time to be determined by the executive county
13 superintendent, and submit thereat the question whether or not the
14 executive county superintendent's proposal for the regionalization
15 of the school district shall be adopted. The question shall be
16 deemed adopted if it receives a vote in accordance with the
17 provisions of N.J.S.18A:13-5. If the question is adopted by the
18 voters, then the regional district shall be established or enlarged in
19 accordance with chapter 13 of Title 18A of the New Jersey Statutes;
- 20 i. Promote coordination and regionalization of pupil
21 transportation services through means such as reviewing bus routes
22 and schedules of school districts and nonpublic schools within the
23 county;
- 24 j. Review and approve **█**, according to standards adopted by
25 the commissioner, **█** all employment contracts for superintendents of
26 schools, assistant superintendents of schools, and school business
27 administrators in school districts within the county, prior to the
28 execution of those contracts. The review and approval of the
29 employment contracts shall be according to standards adopted by
30 the commissioner, provided that the standards shall not include
31 maximum salary amounts for superintendents of schools;
- 32 k. Request the commissioner to order a forensic audit and to
33 select an auditor for any school district in the county upon the
34 determination by the executive county superintendent, according to
35 standards adopted by the commissioner, that the accounting
36 practices in the district necessitate such an audit;
- 37 l. Review all school budgets of the school districts within the
38 county, and may, pursuant to section 5 of P.L.1996, c.138
39 (C.18A:7F-5), disapprove a portion of a school district's proposed
40 budget if he determines that the district has not implemented all
41 potential efficiencies in the administrative operations of the district
42 or if he determines that the budget includes excessive non-
43 instructional expenses. If the executive county superintendent
44 disapproves a portion of the school district's budget pursuant to this
45 paragraph, the school district shall deduct the disapproved amounts
46 from the budget prior to publication of the budget, and during the
47 budget year the school district shall not transfer funds back into
48 those accounts;

- 1 m. Permit a district to submit to the voters a separate proposal
2 or proposals for additional funds pursuant to paragraph (9) of
3 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), only if:
4 (1) the district provides the executive county superintendent with
5 written documentation that the district has made efforts to enter into
6 shared arrangements with other districts, municipalities, counties,
7 and other units of local government for the provision of
8 administrative, business, purchasing, public and nonpublic
9 transportation, and other required school district services; (2) the
10 district certifies and provides written documentation that the district
11 participates in on-going shared arrangements; or (3) the district
12 certifies and provides written documentation that entering such
13 shared arrangements would not result in cost savings or would
14 result in additional expenses for the district;
- 15 n. Promote cooperative purchasing within the county of
16 textbooks and other instructional materials;
- 17 o. Coordinate with the Department of Education to maintain a
18 real time Statewide and district-wide database that tracks the types
19 and capacity of special education programs being implemented by
20 each district and the number of students enrolled in each program to
21 identify program availability and needs;
- 22 p. Coordinate with the Department of Education to maintain a
23 Statewide and district-wide list of all special education students
24 served in out-of-district programs and a list of all public and private
25 entities approved to receive special education students that includes
26 pertinent information such as audit results and tuition charges;
- 27 q. Serve as a referral source for districts that do not have
28 appropriate in-district programs for special education students and
29 provide those districts with information on placement options in
30 other school districts;
- 31 r. Conduct regional planning and identification of program
32 needs for the development of in-district special education programs;
- 33 s. Serve as a liaison to facilitate shared special education
34 services within the county including, but not limited to direct
35 services, personnel development, and technical assistance;
- 36 t. Work with districts to develop in-district special education
37 programs and services including providing training in inclusive
38 education, positive behavior supports, transition to adult life, and
39 parent-professional collaboration;
- 40 u. Provide assistance to districts in budgetary planning for
41 resource realignment and reallocation to direct special education
42 resources into the classroom;
- 43 v. Report on a regular basis to the commissioner on progress in
44 achieving the goal of increasing the number of special education
45 students educated in appropriate programs with non-disabled
46 students;
- 47 w. Render a report to the commissioner annually on or before
48 September 1, in the manner and form prescribed by him, of such

1 matters relating to the schools under his jurisdiction as the
2 commissioner shall require; and

3 x. Perform such other duties as shall be prescribed by law.

4 Any budgetary action of the executive county superintendent
5 under this section may be appealed directly to the commissioner,
6 who shall render a decision within 15 days of the receipt of the
7 appeal. If the commissioner fails to issue a decision within 15 days
8 of the filing of an appeal, the budgetary action of the executive
9 county superintendent shall be deemed approved. The
10 commissioner shall by regulation establish a procedure for such
11 appeals.

12 Nothing in this section shall be construed or interpreted to
13 contravene or modify the provisions of the "New Jersey Employer-
14 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or
15 to limit or restrict the scope of negotiations as provided pursuant to
16 law, or to require an employer to enter into a subcontracting
17 agreement which affects the employment of any employee in a
18 collective bargaining unit represented by a majority representative
19 during the time that an existing collective bargaining agreement
20 with the majority representative is in effect.

21 Nothing in this section is intended to interfere with a school
22 district's ability to provide a thorough and efficient education.

23 (cf: P.L.2009, c.78, s.10)

24

25 2. (New section) The Department of Education shall not
26 regulate the maximum salary amount a board of education may
27 provide to a superintendent of schools pursuant to an employment
28 contract.

29

30 ¹3. (New section) The review and approval of the employment
31 contracts of superintendents of schools, assistant superintendents, and
32 school business administrators conducted by the executive county
33 superintendent pursuant to subsection j. of N.J.S.18A:7-8 shall be
34 consistent with the following standards:

35 a. Contracts for each class of administrative position shall be
36 comparable with the salary, benefits, and other emoluments contained
37 in the contracts of similarly credentialed and experienced
38 administrators in other school districts in the region with similar
39 enrollment, academic achievement levels and challenges, and grade
40 span.

41 b. No contract shall include provisions inconsistent with the travel
42 requirements established pursuant to section 15 of P.L.2007, c.53
43 (C.18A:11-12) and ²[State Board of Education] applicable²
44 regulations including, but not limited to, the provisions for mileage
45 reimbursement and reimbursement for meals and lodging in New
46 Jersey. Any contractual provision that is inconsistent with law shall be
47 superseded by the law.

1 c. No contract shall include provisions for the reimbursement or
2 payment of employee contributions that are either required by law or
3 by a contract in effect in the school district with other teaching staff
4 members, such as payment of the employee's State or federal taxes, or
5 of the employee's contributions to FICA, Medicare, State pensions and
6 annuities, life insurance, disability insurance, if offered, and health
7 benefit costs.

8 d. No contract shall contain a payment as a condition of
9 separation from service that is deemed by the executive county
10 superintendent to be prohibited or excessive in nature. The payment
11 shall not exceed the lesser of the calculation of three months' pay for
12 every year remaining on the contract with proration for partial years,
13 not to exceed 12 months, or the remaining salary amount due under the
14 contract.

15 e. No contract shall include benefits that supplement or duplicate
16 benefits that are otherwise available to the employee by operation of
17 law, an existing group plan, or other means, such as an annuity or life
18 insurance plan that supplements or duplicates a plan already made
19 available to the employee. Notwithstanding the provisions of this
20 subsection to the contrary, a contract may contain an annuity where
21 benefits are already contained in the existing contract between that
22 employee and the school district.

23 f. Contractual provisions regarding accumulation of sick leave
24 and supplemental compensation for accumulated sick leave shall be
25 consistent with the provisions of section 44 of P.L.2007, c.92
26 (C.18A:30-3.5) and section 3 of P.L.2010, c.3 (C.18A:30-3.6).
27 Supplemental payment for accumulated sick leave shall be payable
28 only at the time of retirement and shall not be paid to the individual's
29 estate or beneficiaries in the event of the individual's death prior to
30 retirement. Pursuant to N.J.S.18A:30-3.2, a new district board of
31 education contract may include credit of unused sick leave days in
32 accordance with the new district board of education's policy on sick
33 leave credit for all employees.

34 g. Contractual provisions regarding accumulation of unused
35 vacation leave and supplemental compensation for accumulated
36 unused vacation leave shall be consistent with the provisions of section
37 46 of P.L.2007, c.92 (C.18A:30-9). Contractual provisions for
38 payments of accumulated vacation leave prior to separation may be
39 included but only for leave accumulated prior to June 8, 2007, and
40 remaining unused at the time of payment. Supplemental payments for
41 unused vacation leave accrued consistent with the provisions of
42 section 46 of P.L.2007, c.92 (C. 18A:30-9) after June 8, 2007 and
43 unused vacation leave accumulated prior to June 8, 2007, that has not
44 been paid, shall be payable at the time of separation and may be paid
45 to the individual's estate or beneficiaries in the event of the individual's
46 death prior to separation.

47 h. Contractual provisions that include a calculation of per diem
48 for 12-month employees shall be based on a 260-day work year.

1 i. No provision for a merit bonus shall be made except where
2 payment is contingent upon achievement of quantitative merit criterion
3 or qualitative merit criterion:

4 (1) A contract may include no more than three quantitative merit
5 criteria and two qualitative merit criteria per contract year.

6 (2) The executive county superintendent shall approve or
7 disapprove the selection of quantitative merit and qualitative merit
8 criteria and the data that forms the basis of measuring the achievement
9 of quantitative merit and qualitative merit criteria.

10 (3) A contract may provide for merit bonuses in an amount not
11 exceeding 3.33 percent of annual salary for each quantitative merit
12 criterion achieved and 2.5 percent of annual salary for each qualitative
13 merit criterion achieved. Any merit bonus shall be considered "extra
14 compensation" for purposes of ²[State Board of Education]
15 applicable² regulations and shall not be cumulative.

16 (4) The district board of education shall submit to the executive
17 county superintendent a resolution certifying that a quantitative merit
18 criterion or a qualitative merit criterion has been satisfied and shall
19 await confirmation of the satisfaction of that criterion from the
20 executive county superintendent prior to payment of any merit bonus.

21 j. No provision for a bonus shall be made except where payment
22 is contingent upon achievement of measurable specific performance
23 objectives expressly contained in a contract approved pursuant to this
24 subsection, where compensation is deemed reasonable relative to the
25 established performance objectives and achievement of the
26 performance objectives has been documented to the satisfaction of the
27 district board of education.

28 k. No provision for payment at the time of separation or
29 retirement shall be made for work not performed except as otherwise
30 authorized pursuant to this section.

31 l. No contract shall include a provision for a monthly allowance
32 except for a reasonable car allowance. A reasonable car allowance
33 shall not exceed the monthly cost of the average monthly miles
34 traveled for business purposes multiplied by the allowable mileage
35 reimbursement pursuant to applicable law and regulation and the
36 Office of Management and Budget circulars. If an allowance is
37 included, the employee shall not be reimbursed for business travel
38 mileage or assigned permanently a car for official school district
39 business. Any provision of a car for official school district business
40 shall conform with ²[State Board of Education] applicable²
41 regulations and shall be supported by detailed justification. No
42 contract shall include a provision of a dedicated driver or chauffeur.

43 m. All superintendent contracts shall include the provision
44 required pursuant to section 7 of P.L.2007, c.53 (C.18A:17-15.1),
45 which states that in the event the superintendent's certificate is
46 revoked, the contract is null and void.

47 n. No contract shall include a provision for additional
48 compensation upon the acquisition of a graduate degree unless the

1 graduate degree is conferred by a regionally accredited college or
2 university as defined in ²【State Board of Education】 applicable²
3 regulations. No contract shall include a provision for assistance,
4 tuition reimbursement, or additional compensation for graduate school
5 coursework unless the coursework culminates in the acquisition of a
6 graduate degree conferred by a regionally accredited college or
7 university as defined in ²【State Board of Education】 applicable²
8 regulations.¹

9
10 ¹【3.】 4.¹ This act shall take effect immediately.

11
12
13 _____
14
15 Prohibits DOE from regulating maximum salary amount school
16 district may pay its superintendent of schools and codifies standards
17 for contract review.

SENATE, No. 692

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Co-Sponsored by:

Senator Gill

SYNOPSIS

Prohibits the DOE from regulating the maximum salary amount a school district may pay its superintendent of schools.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning superintendents of schools, amending
2 N.J.S.18A:7-8, and supplementing chapter 17 of Title 18A of the
3 New Jersey Statutes.

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

7
8 1. N.J.S.18A:7-8 is amended to read as follows:

9 18A:7-8. Each executive county superintendent shall:

10 a. Visit and examine from time to time all of the schools under
11 his general supervision and exercise general supervision over them
12 in accordance with the rules prescribed from time to time by the
13 State board;

14 b. Keep himself informed as to the management, methods of
15 instruction and discipline and the courses of study and textbooks in
16 use, the condition of the school libraries, and the condition of the
17 real and personal property, particularly in respect to the
18 construction, heating, ventilation and lighting of school buildings,
19 in the local districts under his general supervision, and make
20 recommendations in connection therewith;

21 c. Advise with and counsel the boards of education of the local
22 districts under his general supervision and of any other district of
23 the county when so requested, in relation to the performance of
24 their duties;

25 d. Promote administrative and operational efficiencies and cost
26 savings within the school districts in the county while ensuring that
27 the districts provide a thorough and efficient system of education;

28 e. Based on standards adopted by the commissioner,
29 recommend to the commissioner, who is hereby granted the
30 authority to effectuate those recommendations, that certain school
31 districts be required to enter arrangements with one or more other
32 school districts or educational services commissions for the
33 consolidation of the district's administrative services;

34 f. Recommend to the commissioner the elimination of laws the
35 executive county superintendent determines to be unnecessary State
36 education mandates, other than the categories of laws set forth in
37 section 3 of P.L.1996, c.24 (C.52:13H-3);

38 g. Eliminate districts located in the county that are not
39 operating schools on the effective date of P.L.2009, c.78 (C.18A:8-
40 43 et al.), in accordance with a plan and schedule included in the
41 plan submitted to and approved by the commissioner;

42 h. No later than three years following the effective date of
43 sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.), recommend
44 to the commissioner a school district consolidation plan to eliminate
45 all districts, other than county-based districts and other than

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 preschool or kindergarten through grade 12 districts in the county,
2 through the establishment or enlargement of regional school
3 districts. After the approval of the plan by the commissioner, the
4 executive county superintendent shall require each board of
5 education covered by a proposal in the plan to conduct a special
6 school election, at a time to be determined by the executive county
7 superintendent, and submit thereat the question whether or not the
8 executive county superintendent's proposal for the regionalization
9 of the school district shall be adopted. The question shall be
10 deemed adopted if it receives a vote in accordance with the
11 provisions of N.J.S.18A:13-5. If the question is adopted by the
12 voters, then the regional district shall be established or enlarged in
13 accordance with chapter 13 of Title 18A of the New Jersey Statutes;

14 i. Promote coordination and regionalization of pupil
15 transportation services through means such as reviewing bus routes
16 and schedules of school districts and nonpublic schools within the
17 county;

18 j. Review and approve **■**, according to standards adopted by
19 the commissioner, **■** all employment contracts for superintendents of
20 schools, assistant superintendents of schools, and school business
21 administrators in school districts within the county, prior to the
22 execution of those contracts. The review and approval of the
23 employment contracts shall be according to standards adopted by
24 the commissioner, provided that the standards shall not include
25 maximum salary amounts for superintendents of schools;

26 k. Request the commissioner to order a forensic audit and to
27 select an auditor for any school district in the county upon the
28 determination by the executive county superintendent, according to
29 standards adopted by the commissioner, that the accounting
30 practices in the district necessitate such an audit;

31 l. Review all school budgets of the school districts within the
32 county, and may, pursuant to section 5 of P.L.1996, c.138
33 (C.18A:7F-5), disapprove a portion of a school district's proposed
34 budget if he determines that the district has not implemented all
35 potential efficiencies in the administrative operations of the district
36 or if he determines that the budget includes excessive non-
37 instructional expenses. If the executive county superintendent
38 disapproves a portion of the school district's budget pursuant to this
39 paragraph, the school district shall deduct the disapproved amounts
40 from the budget prior to publication of the budget, and during the
41 budget year the school district shall not transfer funds back into
42 those accounts;

43 m. Permit a district to submit to the voters a separate proposal
44 or proposals for additional funds pursuant to paragraph (9) of
45 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), only if:
46 (1) the district provides the executive county superintendent with
47 written documentation that the district has made efforts to enter into
48 shared arrangements with other districts, municipalities, counties,

- 1 and other units of local government for the provision of
2 administrative, business, purchasing, public and nonpublic
3 transportation, and other required school district services; (2) the
4 district certifies and provides written documentation that the district
5 participates in on-going shared arrangements; or (3) the district
6 certifies and provides written documentation that entering such
7 shared arrangements would not result in cost savings or would
8 result in additional expenses for the district;
- 9 n. Promote cooperative purchasing within the county of
10 textbooks and other instructional materials;
- 11 o. Coordinate with the Department of Education to maintain a
12 real time Statewide and district-wide database that tracks the types
13 and capacity of special education programs being implemented by
14 each district and the number of students enrolled in each program to
15 identify program availability and needs;
- 16 p. Coordinate with the Department of Education to maintain a
17 Statewide and district-wide list of all special education students
18 served in out-of-district programs and a list of all public and private
19 entities approved to receive special education students that includes
20 pertinent information such as audit results and tuition charges;
- 21 q. Serve as a referral source for districts that do not have
22 appropriate in-district programs for special education students and
23 provide those districts with information on placement options in
24 other school districts;
- 25 r. Conduct regional planning and identification of program
26 needs for the development of in-district special education programs;
- 27 s. Serve as a liaison to facilitate shared special education
28 services within the county including, but not limited to direct
29 services, personnel development, and technical assistance;
- 30 t. Work with districts to develop in-district special education
31 programs and services including providing training in inclusive
32 education, positive behavior supports, transition to adult life, and
33 parent-professional collaboration;
- 34 u. Provide assistance to districts in budgetary planning for
35 resource realignment and reallocation to direct special education
36 resources into the classroom;
- 37 v. Report on a regular basis to the commissioner on progress in
38 achieving the goal of increasing the number of special education
39 students educated in appropriate programs with non-disabled
40 students;
- 41 w. Render a report to the commissioner annually on or before
42 September 1, in the manner and form prescribed by him, of such
43 matters relating to the schools under his jurisdiction as the
44 commissioner shall require; and
- 45 x. Perform such other duties as shall be prescribed by law.
- 46 Any budgetary action of the executive county superintendent
47 under this section may be appealed directly to the commissioner,
48 who shall render a decision within 15 days of the receipt of the

1 appeal. If the commissioner fails to issue a decision within 15 days
2 of the filing of an appeal, the budgetary action of the executive
3 county superintendent shall be deemed approved. The
4 commissioner shall by regulation establish a procedure for such
5 appeals.

6 Nothing in this section shall be construed or interpreted to
7 contravene or modify the provisions of the "New Jersey Employer-
8 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or
9 to limit or restrict the scope of negotiations as provided pursuant to
10 law, or to require an employer to enter into a subcontracting
11 agreement which affects the employment of any employee in a
12 collective bargaining unit represented by a majority representative
13 during the time that an existing collective bargaining agreement
14 with the majority representative is in effect.

15 Nothing in this section is intended to interfere with a school
16 district's ability to provide a thorough and efficient education.

17 (cf: P.L.2009, c.78, s.10)

18

19 2. (New section) The Department of Education shall not
20 regulate the maximum salary amount a board of education may
21 provide to a superintendent of schools pursuant to an employment
22 contract.

23

24 3. This act shall take effect immediately.

25

26

27

STATEMENT

28

29 This bill would prohibit the Department of Education from
30 regulating the maximum salary amount a board of education could
31 provide to a superintendent of schools pursuant to the employment
32 contract.

33 The executive county superintendent of schools was given the
34 authority in 2007 to review and approve all employment contracts
35 for superintendents, according to standards adopted by the
36 Commissioner of Education. Under the provisions of
37 N.J.A.C.6A:23A-1.2 and N.J.A.C.6A:23A-3.1, those standards
38 provide that no contract for a superintendent is permitted to include
39 an annual salary in excess of the "maximum salary amount," which
40 varies depending on the number of students enrolled in the district.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 692

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2019

The Assembly Education Committee reports favorably Senate Bill No. 692 with committee amendments.

As amended, this bill would prohibit the Department of Education from regulating the maximum salary amount a board of education could provide to a superintendent of schools pursuant to the employment contract.

The executive county superintendent of schools was given the authority in 2007 to review and approve all employment contracts for superintendents, assistant superintendents, and school business administrators according to standards adopted by the Commissioner of Education. Under the provisions of N.J.A.C.6A:23A-1.2 and N.J.A.C.6A:23A-3.1, those standards provide that no contract for a superintendent is permitted to include an annual salary in excess of the “maximum salary amount,” which varies depending on the number of students enrolled in the district.

The bill also codifies the other standards adopted by the commissioner in regard to the approval of the employment contracts for superintendents, assistant superintendents, and school business administrators. Those standards address what may and may not be included in these contracts in regard to issues such as travel, payment for separation from service, accumulation of sick leave, unused vacation, calculation of per diem payments, and additional compensation upon the acquisition of graduate degrees, among other items.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3775, which also was amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amendments codify the standards adopted by the Commissioner of Education under N.J.A.C.6A:23-3.1 for the approval of the employment contracts of superintendents, assistant superintendents, and school business administrators by the executive county superintendent of schools.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 692

STATE OF NEW JERSEY

DATED: JANUARY 25, 2018

The Senate Education Committee favorably reports Senate Bill No. 692.

This bill would prohibit the Department of Education from regulating the maximum salary amount a board of education could provide to a superintendent of schools pursuant to the employment contract.

The executive county superintendent of schools was given the authority in 2007 to review and approve all employment contracts for superintendents, according to standards adopted by the Commissioner of Education. Under the provisions of N.J.A.C.6A:23A-1.2 and N.J.A.C.6A:23A-3.1, those standards provide that no contract for a superintendent is permitted to include an annual salary in excess of the “maximum salary amount,” which varies depending on the number of students enrolled in the district.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 692

STATE OF NEW JERSEY

DATED: FEBRUARY 15, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 692.

This bill prohibits the Department of Education from regulating the maximum salary amount a board of education provides to a superintendent of schools pursuant to an employment contract.

The executive county superintendent of schools was given the authority in 2007 to review and approve all employment contracts for superintendents, according to standards adopted by the Commissioner of Education. Under the provisions of N.J.A.C.6A:23A-1.2 and N.J.A.C.6A:23A-3.1, those standards provide that no contract for a superintendent is permitted to include an annual salary in excess of the “maximum salary amount,” which varies depending on the number of students enrolled in the district.

FISCAL IMPACT:

This bill has not been certified as requiring a fiscal note.

STATEMENT TO

[First Reprint]

SENATE, No. 692

with Assembly Floor Amendments
(Proposed by Assemblywoman JASEY)

ADOPTED: JUNE 20, 2019

These floor amendments replace reference to “State Board of Education regulations” with “applicable regulations” to reflect the fact that some of the referenced regulations have been promulgated by the Commissioner of Education while another was promulgated by the Department of the Treasury.

ASSEMBLY, No. 3775

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED APRIL 5, 2018

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

SYNOPSIS

Prohibits the DOE from regulating the maximum salary amount a school district may pay its superintendent of schools.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2019)

1 AN ACT concerning superintendents of schools, amending
2 N.J.S.18A:7-8, and supplementing chapter 17 of Title 18A of the
3 New Jersey Statutes.

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

7
8 1. N.J.S.18A:7-8 is amended to read as follows:

9 18A:7-8. Each executive county superintendent shall:

10 a. Visit and examine from time to time all of the schools under
11 his general supervision and exercise general supervision over them
12 in accordance with the rules prescribed from time to time by the
13 State board;

14 b. Keep himself informed as to the management, methods of
15 instruction and discipline and the courses of study and textbooks in
16 use, the condition of the school libraries, and the condition of the
17 real and personal property, particularly in respect to the
18 construction, heating, ventilation and lighting of school buildings,
19 in the local districts under his general supervision, and make
20 recommendations in connection therewith;

21 c. Advise with and counsel the boards of education of the local
22 districts under his general supervision and of any other district of
23 the county when so requested, in relation to the performance of
24 their duties;

25 d. Promote administrative and operational efficiencies and cost
26 savings within the school districts in the county while ensuring that
27 the districts provide a thorough and efficient system of education;

28 e. Based on standards adopted by the commissioner,
29 recommend to the commissioner, who is hereby granted the
30 authority to effectuate those recommendations, that certain school
31 districts be required to enter arrangements with one or more other
32 school districts or educational services commissions for the
33 consolidation of the district's administrative services;

34 f. Recommend to the commissioner the elimination of laws the
35 executive county superintendent determines to be unnecessary State
36 education mandates, other than the categories of laws set forth in
37 section 3 of P.L.1996, c.24 (C.52:13H-3);

38 g. Eliminate districts located in the county that are not
39 operating schools on the effective date of P.L.2009, c.78 (C.18A:8-
40 43 et al.), in accordance with a plan and schedule included in the
41 plan submitted to and approved by the commissioner;

42 h. No later than three years following the effective date of
43 sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.), recommend
44 to the commissioner a school district consolidation plan to eliminate
45 all districts, other than county-based districts and other than

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 preschool or kindergarten through grade 12 districts in the county,
2 through the establishment or enlargement of regional school
3 districts. After the approval of the plan by the commissioner, the
4 executive county superintendent shall require each board of
5 education covered by a proposal in the plan to conduct a special
6 school election, at a time to be determined by the executive county
7 superintendent, and submit thereat the question whether or not the
8 executive county superintendent's proposal for the regionalization
9 of the school district shall be adopted. The question shall be
10 deemed adopted if it receives a vote in accordance with the
11 provisions of N.J.S.18A:13-5. If the question is adopted by the
12 voters, then the regional district shall be established or enlarged in
13 accordance with chapter 13 of Title 18A of the New Jersey Statutes;

14 i. Promote coordination and regionalization of pupil
15 transportation services through means such as reviewing bus routes
16 and schedules of school districts and nonpublic schools within the
17 county;

18 j. Review and approve **█**, according to standards adopted by
19 the commissioner, **█** all employment contracts for superintendents of
20 schools, assistant superintendents of schools, and school business
21 administrators in school districts within the county, prior to the
22 execution of those contracts. The review and approval of the
23 employment contracts shall be according to standards adopted by
24 the commissioner, provided that the standards shall not include
25 maximum salary amounts for superintendents of schools;

26 k. Request the commissioner to order a forensic audit and to
27 select an auditor for any school district in the county upon the
28 determination by the executive county superintendent, according to
29 standards adopted by the commissioner, that the accounting
30 practices in the district necessitate such an audit;

31 l. Review all school budgets of the school districts within the
32 county, and may, pursuant to section 5 of P.L.1996, c.138
33 (C.18A:7F-5), disapprove a portion of a school district's proposed
34 budget if he determines that the district has not implemented all
35 potential efficiencies in the administrative operations of the district
36 or if he determines that the budget includes excessive non-
37 instructional expenses. If the executive county superintendent
38 disapproves a portion of the school district's budget pursuant to this
39 paragraph, the school district shall deduct the disapproved amounts
40 from the budget prior to publication of the budget, and during the
41 budget year the school district shall not transfer funds back into
42 those accounts;

43 m. Permit a district to submit to the voters a separate proposal
44 or proposals for additional funds pursuant to paragraph (9) of
45 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), only if:
46 (1) the district provides the executive county superintendent with
47 written documentation that the district has made efforts to enter into
48 shared arrangements with other districts, municipalities, counties,

1 and other units of local government for the provision of
2 administrative, business, purchasing, public and nonpublic
3 transportation, and other required school district services; (2) the
4 district certifies and provides written documentation that the district
5 participates in on-going shared arrangements; or (3) the district
6 certifies and provides written documentation that entering such
7 shared arrangements would not result in cost savings or would
8 result in additional expenses for the district;

9 n. Promote cooperative purchasing within the county of
10 textbooks and other instructional materials;

11 o. Coordinate with the Department of Education to maintain a
12 real time Statewide and district-wide database that tracks the types
13 and capacity of special education programs being implemented by
14 each district and the number of students enrolled in each program to
15 identify program availability and needs;

16 p. Coordinate with the Department of Education to maintain a
17 Statewide and district-wide list of all special education students
18 served in out-of-district programs and a list of all public and private
19 entities approved to receive special education students that includes
20 pertinent information such as audit results and tuition charges;

21 q. Serve as a referral source for districts that do not have
22 appropriate in-district programs for special education students and
23 provide those districts with information on placement options in
24 other school districts;

25 r. Conduct regional planning and identification of program
26 needs for the development of in-district special education programs;

27 s. Serve as a liaison to facilitate shared special education
28 services within the county including, but not limited to direct
29 services, personnel development, and technical assistance;

30 t. Work with districts to develop in-district special education
31 programs and services including providing training in inclusive
32 education, positive behavior supports, transition to adult life, and
33 parent-professional collaboration;

34 u. Provide assistance to districts in budgetary planning for
35 resource realignment and reallocation to direct special education
36 resources into the classroom;

37 v. Report on a regular basis to the commissioner on progress in
38 achieving the goal of increasing the number of special education
39 students educated in appropriate programs with non-disabled
40 students;

41 w. Render a report to the commissioner annually on or before
42 September 1, in the manner and form prescribed by him, of such
43 matters relating to the schools under his jurisdiction as the
44 commissioner shall require; and

45 x. Perform such other duties as shall be prescribed by law.

46 Any budgetary action of the executive county superintendent
47 under this section may be appealed directly to the commissioner,
48 who shall render a decision within 15 days of the receipt of the

1 appeal. If the commissioner fails to issue a decision within 15 days
2 of the filing of an appeal, the budgetary action of the executive
3 county superintendent shall be deemed approved. The
4 commissioner shall by regulation establish a procedure for such
5 appeals.

6 Nothing in this section shall be construed or interpreted to
7 contravene or modify the provisions of the "New Jersey Employer-
8 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or
9 to limit or restrict the scope of negotiations as provided pursuant to
10 law, or to require an employer to enter into a subcontracting
11 agreement which affects the employment of any employee in a
12 collective bargaining unit represented by a majority representative
13 during the time that an existing collective bargaining agreement
14 with the majority representative is in effect.

15 Nothing in this section is intended to interfere with a school
16 district's ability to provide a thorough and efficient education.

17 (cf: P.L.2009, c.78, s.10)

18

19 2. (New section) The Department of Education shall not
20 regulate the maximum salary amount a board of education may
21 provide to a superintendent of schools pursuant to an employment
22 contract.

23

24 3. This act shall take effect immediately.

25

26

27

STATEMENT

28

29 This bill would prohibit the Department of Education from
30 regulating the maximum salary amount a board of education could
31 provide to a superintendent of schools pursuant to the employment
32 contract.

33 The executive county superintendent of schools was given the
34 authority in 2007 to review and approve all employment contracts for
35 superintendents, according to standards adopted by the Commissioner
36 of Education. Under the provisions of N.J.A.C.6A:23A-1.2 and
37 N.J.A.C.6A:23A-3.1, those standards provide that no contract for a
38 superintendent is permitted to include an annual salary in excess of the
39 "maximum salary amount," which varies depending on the number of
40 students enrolled in the district.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3775

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 2019

The Assembly Education Committee reports favorably Assembly Bill No. 3775 with committee amendments.

As amended, this bill would prohibit the Department of Education from regulating the maximum salary amount a board of education could provide to a superintendent of schools pursuant to the employment contract.

The executive county superintendent of schools was given the authority in 2007 to review and approve all employment contracts for superintendents, assistant superintendents, and school business administrators according to standards adopted by the Commissioner of Education. Under the provisions of N.J.A.C.6A:23A-1.2 and N.J.A.C.6A:23A-3.1, those standards provide that no contract for a superintendent is permitted to include an annual salary in excess of the “maximum salary amount,” which varies depending on the number of students enrolled in the district.

The bill also codifies the other standards adopted by the commissioner in regard to the approval of the employment contracts for superintendents, assistant superintendents, and school business administrators. Those standards address what may and may not be included in these contracts in regard to issues such as travel, payment for separation from service, accumulation of sick leave, unused vacation, calculation of per diem payments, and additional compensation upon the acquisition of graduate degrees, among other items.

As amended and reported by the committee, this bill is identical to Senate Bill No. 692, which also was amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amendments codify the standards adopted by the Commissioner of Education under N.J.A.C.6A:23-3.1 for the approval of the employment contracts of superintendents, assistant superintendents, and school business administrators by the executive county superintendent of schools.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3775

with Assembly Floor Amendments
(Proposed by Assemblywoman JASEY)

ADOPTED: JUNE 20, 2019

These floor amendments replace reference to “State Board of Education regulations” with “applicable regulations” to reflect the fact that some of the referenced regulations have been promulgated by the Commissioner of Education while another was promulgated by the Department of the Treasury.

Governor Murphy Takes Action on Legislation

07/19/2019

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

AJR26 (Downey, Houghtaling, Quijano, Mosquera, Vainieri Huttle, Benson, Jasey, McKnight/Pou, Codey) - Designates September of each year as "Youth Suicide Prevention Awareness Month" in New Jersey.

AJR87 (Murphy, Mosquera, Pinkin/Singleton, Addiego) - Designates January 11 of each year as "Alice Paul Day" in New Jersey.

A769 (Caputo, Giblin, Vainieri Huttle/A.R. Bucco, Ruiz) - Requires school districts to incorporate age-appropriate sexual abuse and assault awareness and prevention education in grades preschool through 12 as part of New Jersey Student Learning Standards in Comprehensive Health and Physical Education.

A1048 (Houghtaling, Downey, Mukherji, Holley/Turner, Stack) - Requires property tax bills to contain eligibility information on State tax relief programs.

A1190 (Jones, Giblin, Mukherji/Beach, Cruz-Perez) - Concerns appointment of person to control funeral and disposition of human remains.

A1369 (Kennedy, DeAngelo, Vainieri Huttle, Benson, Quijano/Greenstein, Addiego) - Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.

A1428 (McKnight, Chaparro, Chiaravalloti, Vainieri Huttle/Ruiz, Cunningham) - Requires Department of Education to develop guidelines for school districts concerning child trafficking awareness and prevention.

A3766 (Armato, Houghtaling, Murphy, Jones/Corrado) - Requires public officer or employee to forfeit pension upon conviction for corruption of public resources, sexual contact, lewdness, or sexual assault when offense involves or touches upon public office or employment.

A5162 (Speight, Reynolds-Jackson/Beach) - Permits county board of chosen freeholders to increase membership of county board of elections.

A5456 (Armato, Kennedy, Speight/Greenstein, Bateman) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2020.

A5457 (Danielsen, Swain, Milam/Codey) - Appropriates funds to DEP for environmental infrastructure projects for FY2020.

A5462 (Milam, Speight, Murphy/Smith) - Modifies powers and duties of New Jersey Infrastructure Bank.

S692 (Ruiz, Sarlo/Jasey, Caputo, Holley) - Prohibits the DOE from regulating maximum salary amount school district may pay its superintendent of schools and codifies standards for contract review.

S756 (Diegnan, Turner/Calabrese, Sumter, Pinkin) - Updates notice of elections requirements to include information for voter to obtain polling place locations.

S858 (Turner, Diegnan/Jasey, Caputo) - Requires teachers of health and physical education in grades kindergarten through six in public schools to possess appropriate endorsement to instructional certificate.

S954 (Vitale, Singleton, Madden/Conaway, Moriarty, Sumter, McKnight, Mukherji, Downey) - Enters New Jersey in enhanced multistate Nurse Licensure Compact.

S1373 (Andrzejczak/Land, Milam) - Expands option of governmental home health care agency to partner with non-governmental providers to deliver health care services.

S1707 (Oroho, Bateman, Andrzejczak/Space, Wirths) - Exempts governmental entities acquiring lands for open space located in a deed-authorized common interest community from paying community fees if, at time of acquisition, community has never been formed or has been dissolved or discontinued.

S1761 (Weinberg, Singleton/Pintor Marin, Lampitt, Pinkin, Munoz, McKeon) - Expands the Address Confidentiality Program to include victims of sexual assault and stalking; and reproductive health service patients and providers.

S1799 (A.R. Bucco/A.M. Bucco, Murphy, Caputo) - Increases membership of fire safety commission in DCA.

S2472 (Singleton, Murphy/Conaway, Timberlake) - Requires certain real estate licensees to complete courses of study concerning fair housing and housing discrimination.

S2489 (Cruz-Perez, Turner/Mosquera, Jones, Holley, McKnight, Downey) - Requires board of education to post information about child abuse hotline in each school.

S2575 (Diegnan, Greenstein/Karabinchak, Reynolds-Jackson) - Establishes task force to examine and make recommendations regarding implementation of "Anti-Bullying Bill of Rights Act."

S2944 (Ruiz, Cunningham/Pintor Marin, McKnight, Chiaravalloti) - Permits certain council members to appoint up to four fulltime equivalent aides; allows these aide positions to be divided into part-time positions.

S2994 (Ruiz/Freiman, McKeon, Schaer) – Concerns refunds following terminations or cancellations of guaranteed asset protection waivers.

S3043 (Madden, Oroho/Mosquera, Pintor Marin) - Clarifies that family day care providers or other persons who are subjects of criminal history record back checks have access to disqualifying information.

S3452 (Ruiz, Pou/Lopez, Holley, Schaer) - Requires certain consumer reporting agencies to make consumer reports available to consumers in Spanish and certain other languages.

S3899 (Ruiz/Burzichelli) - Allows TPAF retiree to be employed, without TPAF reenrollment, by school district as certificated superintendent or administrator for more than two years when in best interests of school district.