

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

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@njstastelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW

P.L. 2008, CHAPTER 37, *approved July 7, 2008*

Assembly, No. 2965 (*First Reprint*)

1 AN ACT concerning the promulgation of certain rules and
2 regulations for public school districts, revising various parts of
3 the statutory law, and supplementing P.L.2007, c.53 (C.18A:55-3
4 et al.) and chapter 22 of Title 18A of the New Jersey Statutes.

5

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

8

9 1. Section 6 of P.L.2006, c.15 (C.18A:7A-59) is amended to
10 read as follows:

11 6. **[**The State Board of Education may promulgate rules
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.), to effectuate the purposes of this act**]**
14 Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et
15 seq.) to the contrary, the Commissioner of Education may adopt,
16 immediately upon filing with the Office of Administrative Law,
17 such rules and regulations as the commissioner deems necessary to
18 effectuate the purposes of P.L.2006, c.15 (C.18A:7A-55 et seq.)
19 which shall be effective for a period not to exceed 12 months
20 following the effective date of P.L. , c. (C.) (pending before
21 the Legislature as this bill). The regulations shall thereafter be
22 amended, adopted, or readopted by the commissioner in accordance
23 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.)¹; and
24 the commissioner shall, at a minimum, hold at least one public
25 hearing in each of the north, central, and southern regions of the
26 State within 60 days of the public notice of any regulations
27 proposed by the commissioner to be amended, adopted, or
28 readopted pursuant to that act¹.

29 (cf: P.L.2006, c.15, s.6)

30

31 2. Section 6 of P.L.2007, c.53 (C.18A:17-20.2a) is amended to
32 read as follows:

33 6. a. Prior to a board of education entering an agreement for an
34 early termination of an employment contract entered into with its
35 superintendent of schools pursuant to the provisions of
36 N.J.S.18A:17-15, that includes the payment of compensation to the
37 superintendent as a condition of separation from service with the
38 district, the board shall submit the agreement to the Commissioner
39 of Education for approval. The agreement shall be submitted by

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 12, 2008.

1 certified mail, return receipt requested. The commissioner shall
2 evaluate the agreement and have the authority to disapprove the
3 agreement if the payment of compensation as a condition of
4 separation from service is found to be excessive. The determination
5 of the commissioner shall be made within 30 days of receipt of the
6 agreement.

7 As used in this subsection, "compensation" includes, but is not
8 limited to, salary, allowances, bonuses and stipends, payments for
9 accumulated sick or vacation leave, contributions toward the costs
10 of health, dental, life and other types of insurance, medical
11 reimbursement plans, retirement plans, and any in-kind or other
12 form of remuneration.

13 b. The Commissioner of Education shall adopt regulations in
14 accordance with the ["Administrative Procedure Act," P.L.1968,
15 c.410 (C.52:14B-1 et seq.),] provisions of section 6 of P.L. _____,
16 c. (C.) (pending before the Legislature as this bill) to establish
17 the allowable parameters of early termination agreements.
18 (cf: P.L.2007, c.53, s.6)

19

20 3. Section 10 of P.L.2007, c.53 (C.18A:6-38.1) is amended to
21 read as follows:

22 10. a. If the Commissioner of Education believes, based on
23 information provided by the school district in which the certificate
24 holder was employed, that the conduct of a superintendent, assistant
25 superintendent or school business administrator warrants the
26 revocation of the certificate held, the commissioner shall
27 recommend such revocation to the Board of Examiners.

28 b. The [State Board of Education shall promulgate rules
29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
30 (C.52:14B-1 et seq.),] Commissioner of Education shall adopt
31 regulations in accordance with section 6 of P.L. _____, c. (C.)
32 (pending before the Legislature as this bill) under which the Board
33 of Examiners may revoke a certificate pursuant to this section.
34 (cf: P.L.2007, c.53, s.10)

35

36 4. Section 7 of P.L.2007, c.62 (C.18A:7F-42) is amended to
37 read as follows:

38 7. a. Within 60 days of the effective date of P.L.2007, c.62
39 (C.18A:7F-37 et al.), the Commissioner of Education shall
40 promulgate emergency rules and regulations necessary to effectuate
41 the purposes of sections 2 through 6 of P.L.2007, c.62 (C.18A:7F-
42 37 through C.18A:7F-41) for the 2007-08 school year.

43 b. For the 2008-09 school year and thereafter, [the
44 Commissioner of Education shall adopt, pursuant to the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.),] notwithstanding any provision of P.L.1968, c.410
47 (C.52:14B-1 et seq.) to the contrary, the Commissioner of

1 Education may adopt, immediately upon filing with the Office of
2 Administrative Law, such rules and regulations as the commissioner
3 deems necessary to effectuate the purposes of sections 2 through 6
4 of P.L.2007, c.62 (C.18A:7F-37 through C.18A:7F-41) which shall
5 be effective for a period not to exceed 12 months following the
6 effective date of P.L. , c. (C.) (pending before the
7 Legislature as this bill). The regulations shall thereafter be
8 amended, adopted, or readopted by the commissioner in accordance
9 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.)¹; and
10 the commissioner shall, at a minimum, hold at least one public
11 hearing in each of the north, central, and southern regions of the
12 State within 60 days of the public notice of any regulations
13 proposed by the commissioner to be amended, adopted, or
14 readopted pursuant to that act¹.

15 (cf: P.L.2007, c.62, s.7)

16

17 5. Section 58 of P.L.2007, c.63 (C.18A:7-16) is amended to
18 read as follows:

19 58. **【The State Board of Education shall adopt rules and**
20 **regulations pursuant to the "Administrative Procedure Act,"**
21 **P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of**
22 **sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.); except that**
23 **notwithstanding】** Notwithstanding any provision of P.L.1968, c.410
24 (C.52:14B-1 et seq.) or any other law to the contrary, the
25 commissioner may adopt, immediately upon filing with the Office
26 of Administrative Law, such rules and regulations as the
27 commissioner deems necessary to implement the provisions of
28 sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.), which shall
29 be effective for a period not to exceed 12 months following the
30 effective date of P.L. , c. (C.) (pending before the
31 Legislature as this bill). The regulations shall thereafter be
32 amended, adopted, or readopted by the commissioner in accordance
33 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.)¹; and
34 the commissioner shall, at a minimum, hold at least one public
35 hearing in each of the north, central, and southern regions of the
36 State within 60 days of the public notice of any regulations
37 proposed by the commissioner to be amended, adopted, or
38 readopted pursuant to that act¹.

39 (cf: P.L.2007, c.63, s.58)

40

41 6. (New section) Notwithstanding any provision of P.L.1968,
42 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
43 Education may adopt, immediately upon filing with the Office of
44 Administrative Law, such rules and regulations as the commissioner
45 deems necessary to effectuate the purposes of P.L.2007, c.53
46 (C.18A:55-3 et al.) which shall be effective for a period not to
47 exceed 12 months following the effective date of P.L. , c. (C.)

1 (pending before the Legislature as this bill). The regulations shall
2 thereafter be amended, adopted, or readopted by the commissioner
3 in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1
4 et seq.) ¹; and the commissioner shall, at a minimum, hold at least
5 one public hearing in each of the north, central, and southern
6 regions of the State within 60 days of the public notice of any
7 regulations proposed by the commissioner to be amended, adopted,
8 or readopted pursuant to that act¹ .

9
10 7. (New section) Notwithstanding any provision of P.L.1968,
11 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
12 Education may adopt, immediately upon filing with the Office of
13 Administrative Law, such rules and regulations as the commissioner
14 deems necessary to effectuate the budgeting and fiscal procedures
15 under chapter 22 of Title 18A of the New Jersey Statutes which
16 shall be effective for a period not to exceed 12 months following
17 the effective date of P.L. , c. (C.) (pending before the
18 Legislature as this bill). The regulations shall thereafter be
19 amended, adopted, or readopted by the commissioner in accordance
20 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.) ¹; and
21 the commissioner shall, at a minimum, hold at least one public
22 hearing in each of the north, central, and southern regions of the
23 State within 60 days of the public notice of any regulations
24 proposed by the commissioner to be amended, adopted, or
25 readopted pursuant to that act¹ .

26
27 8. This act shall take effect immediately.

28
29
30
31

32 Establishes Commissioner of Education as the rule-making
33 authority under several school district accountability statutes.

ASSEMBLY, No. 2965

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 12, 2008

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman DAVID W. WOLFE

District 10 (Monmouth and Ocean)

SYNOPSIS

Establishes Commissioner of Education as the rule-making authority under several school district accountability statutes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2008)

1 AN ACT concerning the promulgation of certain rules and
2 regulations for public school districts, revising various parts of
3 the statutory law, and supplementing P.L.2007, c.53 (C.18A:55-3
4 et al.) and chapter 22 of Title 18A of the New Jersey Statutes.

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

8
9 1. Section 6 of P.L.2006, c.15 (C.18A:7A-59) is amended to
10 read as follows:

11 6. **[**The State Board of Education may promulgate rules
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.), to effectuate the purposes of this act**]**
14 Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et
15 seq.) to the contrary, the Commissioner of Education may adopt,
16 immediately upon filing with the Office of Administrative Law,
17 such rules and regulations as the commissioner deems necessary to
18 effectuate the purposes of P.L.2006, c.15 (C.18A:7A-55 et seq.)
19 which shall be effective for a period not to exceed 12 months
20 following the effective date of P.L. , c. (C.) (pending before
21 the Legislature as this bill). The regulations shall thereafter be
22 amended, adopted, or readopted by the commissioner in accordance
23 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).
24 (cf: P.L.2006, c.15, s.6)

25
26 2. Section 6 of P.L.2007, c.53 (C.18A:17-20.2a) is amended to
27 read as follows:

28 6. a. Prior to a board of education entering an agreement for an
29 early termination of an employment contract entered into with its
30 superintendent of schools pursuant to the provisions of
31 N.J.S.18A:17-15, that includes the payment of compensation to the
32 superintendent as a condition of separation from service with the
33 district, the board shall submit the agreement to the Commissioner
34 of Education for approval. The agreement shall be submitted by
35 certified mail, return receipt requested. The commissioner shall
36 evaluate the agreement and have the authority to disapprove the
37 agreement if the payment of compensation as a condition of
38 separation from service is found to be excessive. The determination
39 of the commissioner shall be made within 30 days of receipt of the
40 agreement.

41 As used in this subsection, "compensation" includes, but is not
42 limited to, salary, allowances, bonuses and stipends, payments for
43 accumulated sick or vacation leave, contributions toward the costs
44 of health, dental, life and other types of insurance, medical

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 reimbursement plans, retirement plans, and any in-kind or other
2 form of remuneration.

3 b. The Commissioner of Education shall adopt regulations in
4 accordance with the ["Administrative Procedure Act," P.L.1968,
5 c.410 (C.52:14B-1 et seq.),] provisions of section 6 of P.L. _____,
6 c. (C.) (pending before the Legislature as this bill) to establish
7 the allowable parameters of early termination agreements.
8 (cf: P.L.2007, c.53, s.6)

9
10 3. Section 10 of P.L.2007, c.53 (C.18A:6-38.1) is amended to
11 read as follows:

12 10. a. If the Commissioner of Education believes, based on
13 information provided by the school district in which the certificate
14 holder was employed, that the conduct of a superintendent, assistant
15 superintendent or school business administrator warrants the
16 revocation of the certificate held, the commissioner shall
17 recommend such revocation to the Board of Examiners.

18 b. The [State Board of Education shall promulgate rules
19 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
20 (C.52:14B-1 et seq.),] Commissioner of Education shall adopt
21 regulations in accordance with section 6 of P.L. _____, c. (C.)
22 (pending before the Legislature as this bill) under which the Board
23 of Examiners may revoke a certificate pursuant to this section.
24 (cf: P.L.2007, c.53, s.10)

25
26 4. Section 7 of P.L.2007, c.62 (C.18A:7F-42) is amended to
27 read as follows:

28 7. a. Within 60 days of the effective date of P.L.2007, c.62
29 (C.18A:7F-37 et al.), the Commissioner of Education shall
30 promulgate emergency rules and regulations necessary to effectuate
31 the purposes of sections 2 through 6 of P.L.2007, c.62 (C.18A:7F-
32 37 through C.18A:7F-41) for the 2007-08 school year.

33 b. For the 2008-09 school year and thereafter, [the
34 Commissioner of Education shall adopt, pursuant to the
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
36 seq.),] notwithstanding any provision of P.L.1968, c.410
37 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
38 Education may adopt, immediately upon filing with the Office of
39 Administrative Law, such rules and regulations as the commissioner
40 deems necessary to effectuate the purposes of sections 2 through 6
41 of P.L.2007, c.62 (C.18A:7F-37 through C.18A:7F-41) which shall
42 be effective for a period not to exceed 12 months following the
43 effective date of P.L. _____, c. (C.) (pending before the
44 Legislature as this bill). The regulations shall thereafter be
45 amended, adopted, or readopted by the commissioner in accordance
46 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).
47 (cf: P.L.2007, c.62, s.7)

1 5. Section 58 of P.L.2007, c.63 (C.18A:7-16) is amended to
2 read as follows:

3 58. **【**The State Board of Education shall adopt rules and
4 regulations pursuant to the "Administrative Procedure Act,"
5 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of
6 sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.); except that
7 **notwithstanding】** Notwithstanding any provision of P.L.1968, c.410
8 (C.52:14B-1 et seq.) or any other law to the contrary, the
9 commissioner may adopt, immediately upon filing with the Office
10 of Administrative Law, such rules and regulations as the
11 commissioner deems necessary to implement the provisions of
12 sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.), which shall
13 be effective for a period not to exceed 12 months following the
14 effective date of P.L. , c. (C.) (pending before the Legislature
15 as this bill). The regulations shall thereafter be amended, adopted,
16 or readopted by the commissioner in accordance with the provisions
17 of P.L.1968, c.410 (C.52:14B-1 et seq.).
18 (cf: P.L.2007, c.63, s.58)

19

20 6. (New section) Notwithstanding any provision of P.L.1968,
21 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
22 Education may adopt, immediately upon filing with the Office of
23 Administrative Law, such rules and regulations as the commissioner
24 deems necessary to effectuate the purposes of P.L.2007, c.53
25 (C.18A:55-3 et al.) which shall be effective for a period not to
26 exceed 12 months following the effective date of P.L. , c. (C.)
27 (pending before the Legislature as this bill). The regulations shall
28 thereafter be amended, adopted, or readopted by the commissioner
29 in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1
30 et seq.).

31

32 7. (New section) Notwithstanding any provision of P.L.1968,
33 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
34 Education may adopt, immediately upon filing with the Office of
35 Administrative Law, such rules and regulations as the commissioner
36 deems necessary to effectuate the budgeting and fiscal procedures
37 under chapter 22 of Title 18A of the New Jersey Statutes which
38 shall be effective for a period not to exceed 12 months following
39 the effective date of P.L. , c. (C.) (pending before the
40 Legislature as this bill). The regulations shall thereafter be
41 amended, adopted, or readopted by the commissioner in accordance
42 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

43

44 8. This act shall take effect immediately.

1 STATEMENT

2

3 This bill amends the rule-making provisions of several statutes
4 that deal with public school district fiscal accountability, efficiency,
5 and budgeting procedures. The bill authorizes the Commissioner of
6 Education to adopt, immediately upon filing with the Office of
7 Administrative Law, rules and regulations to implement those
8 statutes. These rules and regulations will be effective for a period
9 not to exceed 12 months from the bill's effective date. Following
10 that period the rules and regulations will be adopted by the
11 commissioner in accordance with the provisions of the
12 "Administrative Procedure Act," P.L.1968, c.410.

13 The statutes impacted by this bill include P.L.2007, c.53 (A-5),
14 P.L.2007, c.62 (A-1), P.L.2007, c.63 (A-4), and P.L.2006, c.15, the
15 "School District Fiscal Accountability Act," and chapter 22 of Title
16 18A of the New Jersey Statutes which sets forth budgeting and
17 fiscal procedures for school districts.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2965

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2008

The Assembly Education Committee favorably reports Assembly Bill No. 2965 with committee amendments.

As amended, this bill amends the rule-making provisions of several statutes that deal with public school district fiscal accountability, efficiency, and budgeting procedures. The bill authorizes the Commissioner of Education to adopt, immediately upon filing with the Office of Administrative Law, rules and regulations to implement those statutes. These rules and regulations will be effective for a period not to exceed 12 months from the bill's effective date. Following that period the rules and regulations will be adopted by the commissioner in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410. During the adoption of regulations pursuant to the "Administrative Procedure Act" the commissioner will be required to hold, at a minimum, at least one public hearing in each of the north, central, and southern regions of the State within 60 days of the public notice of any proposed regulations.

The statutes impacted by this bill include P.L.2007, c.53 (A-5), P.L.2007, c.62 (A-1), P.L.2007, c.63 (A-4), P.L.2006, c.15, entitled the "School District Fiscal Accountability Act," and chapter 22 of Title 18A of the New Jersey Statutes, which sets forth budgeting and fiscal procedures for districts.

It is the committee's understanding that in accordance with the provisions of P.L.2007, c.63 (A-4) nothing in the bill will be construed or interpreted to contravene or modify the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or to limit or restrict the scope of negotiations as provided pursuant to law. In addition, it is also the committee's understanding that nothing in the bill will be construed or interpreted to contravene or modify the provisions of the "Individuals with Disabilities Education Act," 20 U.S.C. s.1400 et seq.

The committee amended the bill to require the commissioner, when adopting regulations pursuant to the "Administrative Procedure

Act,” to hold, at a minimum, at least one public hearing in each of the north, central, and southern regions of the State within 60 days of the public notice of any proposed regulations.

SENATE, No. 1911

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 22, 2008

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Mercer)

SYNOPSIS

Establishes Commissioner of Education as the rule-making authority under several school district accountability statutes.

CURRENT VERSION OF TEXT

As introduced.



S1911 TURNER

2

1 AN ACT concerning the promulgation of certain rules and
2 regulations for public school districts, revising various parts of
3 the statutory law, and supplementing P.L.2007, c.53 (C.18A:55-3
4 et al).

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

8
9 1. Section 6 of P.L.2006, c.15 (C.18A:7A-59) is amended to
10 read as follows:

11 6. **[**The State Board of Education may promulgate rules
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.), to effectuate the purposes of this act**]**
14 Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et
15 seq.) to the contrary, the Commissioner of Education may adopt,
16 immediately upon filing with the Office of Administrative Law,
17 such rules and regulations as the commissioner deems necessary to
18 effectuate the purposes of P.L.2006, c.15 (C.18A:7A-55 et seq.)
19 which shall be effective for a period not to exceed 12 months
20 following the effective date of P.L. , c. (C.) (pending before
21 the Legislature as this bill). The regulations shall thereafter be
22 amended, adopted, or readopted by the commissioner in accordance
23 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).
24 (cf: P.L.2006, c.15, s.6)

25
26 2. Section 6 of P.L.2007, c.53 (C.18A:17-20.2a) is amended to
27 read as follows:

28 6. a. Prior to a board of education entering an agreement for an
29 early termination of an employment contract entered into with its
30 superintendent of schools pursuant to the provisions of
31 N.J.S.18A:17-15, that includes the payment of compensation to the
32 superintendent as a condition of separation from service with the
33 district, the board shall submit the agreement to the Commissioner
34 of Education for approval. The agreement shall be submitted by
35 certified mail, return receipt requested. The commissioner shall
36 evaluate the agreement and have the authority to disapprove the
37 agreement if the payment of compensation as a condition of
38 separation from service is found to be excessive. The determination
39 of the commissioner shall be made within 30 days of receipt of the
40 agreement.

41 As used in this subsection, "compensation" includes, but is not
42 limited to, salary, allowances, bonuses and stipends, payments for
43 accumulated sick or vacation leave, contributions toward the costs
44 of health, dental, life and other types of insurance, medical

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.

S1911 TURNER

1 reimbursement plans, retirement plans, and any in-kind or other
2 form of remuneration.

3 b. The Commissioner of Education shall adopt regulations in
4 accordance with the ["Administrative Procedure Act," P.L.1968,
5 c.410 (C.52:14B-1 et seq.),] provisions of section 6 of P.L. _____,
6 c. (C.) (pending before the Legislature as this bill) to establish
7 the allowable parameters of early termination agreements.
8 (cf: P.L.2007, c.53, s.6)

9
10 3. Section 10 of P.L.2007, c.53 (C.18A:6-38.1) is amended to
11 read as follows:

12 10. a. If the Commissioner of Education believes, based on
13 information provided by the school district in which the certificate
14 holder was employed, that the conduct of a superintendent, assistant
15 superintendent or school business administrator warrants the
16 revocation of the certificate held, the commissioner shall
17 recommend such revocation to the Board of Examiners.

18 b. The [State Board of Education shall promulgate rules
19 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
20 (C.52:14B-1 et seq.),] Commissioner of Education shall adopt
21 regulations in accordance with section 6 of P.L. _____, c. (C.)
22 (pending before the Legislature as this bill) under which the Board
23 of Examiners may revoke a certificate pursuant to this section.
24 (cf: P.L.2007, c.53, s.10)

25
26 4. Section 7 of P.L.2007, c.62 (C.18A:7F-42) is amended to
27 read as follows:

28 7. a. Within 60 days of the effective date of P.L.2007, c.62
29 (C.18A:7F-37 et al.), the Commissioner of Education shall
30 promulgate emergency rules and regulations necessary to effectuate
31 the purposes of sections 2 through 6 of P.L.2007, c.62 (C.18A:7F-
32 37 through C.18A:7F-41) for the 2007-08 school year.

33 b. For the 2008-09 school year and thereafter, [the
34 Commissioner of Education shall adopt, pursuant to the
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
36 seq.),] notwithstanding any provision of P.L.1968, c.410
37 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
38 Education may adopt, immediately upon filing with the Office of
39 Administrative Law, such rules and regulations as the commissioner
40 deems necessary to effectuate the purposes of sections 2 through 6
41 of P.L.2007, c.62 (C.18A:7F-37 through C.18A:7F-41) which shall
42 be effective for a period not to exceed 12 months following the
43 effective date of P.L. _____, c. (C.) (pending before the
44 Legislature as this bill). The regulations shall thereafter be
45 amended, adopted, or readopted by the commissioner in accordance
46 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).
47 (cf: P.L.2007, c.62, s.7)

S1911 TURNER

4

1 5. Section 58 of P.L.2007, c.63 (C.18A:7-16) is amended to read
2 as follows:

3 58. [The State Board of Education shall adopt rules and
4 regulations pursuant to the "Administrative Procedure Act,"
5 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of
6 sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.); except that
7 notwithstanding] Notwithstanding any provision of P.L.1968, c.410
8 (C.52:14B-1 et seq.) or any other law to the contrary, the
9 commissioner may adopt, immediately upon filing with the Office
10 of Administrative Law, such rules and regulations as the
11 commissioner deems necessary to implement the provisions of
12 sections 42 to 58 of P.L.2007, c.63 (C.18A:7-11 et al.), which shall
13 be effective for a period not to exceed 12 months following the
14 effective date of P.L. , c. (C.) (pending before the
15 Legislature as this bill). The regulations shall thereafter be
16 amended, adopted, or readopted by the commissioner in accordance
17 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).
18 (cf: P.L.2007, c.63, s.58)

19

20 6. (New section) Notwithstanding any provision of P.L.1968,
21 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
22 Education may adopt, immediately upon filing with the Office of
23 Administrative Law, such rules and regulations as the commissioner
24 deems necessary to effectuate the purposes of P.L.2007, c.53
25 (C.18A:55-3 et al.) which shall be effective for a period not to
26 exceed 12 months following the effective date of P.L. , c. (C.)
27 (pending before the Legislature as this bill). The regulations shall
28 thereafter be amended, adopted, or readopted by the commissioner
29 in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1
30 et seq.).

31

32 7. This act shall take effect immediately.

33

34

35

STATEMENT

36

37 This bill amends the rule-making provisions of several statutes
38 that deal with public school district fiscal accountability, efficiency,
39 and budgeting procedures. The bill authorizes the Commissioner of
40 Education to adopt, immediately upon filing with the Office of
41 Administrative Law, rules and regulations to implement those
42 statutes. These rules and regulations will be effective for a period
43 not to exceed 12 months from the bill's effective date. Following
44 that period the rules and regulations will be adopted by the
45 commissioner in accordance with the provisions of the
46 "Administrative Procedure Act," P.L.1968, c.410.

S1911 TURNER

5

1 The statutes impacted by this bill include P.L.2007, c.53 (A-5),
2 P.L.2007, c.62 (A-1), P.L.2007, c.63 (A-4), and P.L.2006, c.15, the
3 “School District Fiscal Accountability Act.”

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1911

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 5, 2008

The Senate Education Committee favorably reports Senate Bill No. 1911 with committee amendments.

As amended, this bill amends the rule-making provisions of several statutes that deal with public school district fiscal accountability, efficiency, and budgeting procedures. The bill authorizes the Commissioner of Education to adopt, immediately upon filing with the Office of Administrative Law, rules and regulations to implement those statutes. These rules and regulations will be effective for a period not to exceed 12 months from the bill's effective date. Following that period the rules and regulations will be adopted by the commissioner in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410.

The statutes impacted by this bill include P.L.2007, c.53 (A-5), P.L.2007, c.62 (A-1), P.L.2007, c.63 (A-4), P.L.2006, c.15, entitled the "School District Fiscal Accountability Act," and chapter 22 of Title 18A of the New Jersey Statutes, which sets forth budgeting and fiscal procedures for districts.

The committee amended the bill to permit the commissioner to adopt regulations to effectuate the budgeting and fiscal procedures included in chapter 22 of the New Jersey Statutes.

It is the committee's understanding that in accordance with the provisions of P.L.2007, c.63 (A-4) nothing in this act shall be construed or interpreted to contravene or modify the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or to limit or restrict the scope of negotiations as provided pursuant to law. In addition, it is also the committee's understanding that nothing in this act shall be construed or interpreted to contravene or modify the provisions of the "Individuals with Disabilities Education Act," 20 U.S.C. s.1400 et seq.

STATEMENT TO
[First Reprint]
SENATE, No. 1911

with Senate Floor Amendments
(Proposed By Senator TURNER)

ADOPTED: JUNE 23, 2008

These Senate floor amendments provide that following the 12 months during which the commissioner will have emergency rulemaking authority, the commissioner, when amending, adopting, or readopting the regulations pursuant to the “Administrative Procedure Act,” is required to hold at least one public hearing in the north, central, and southern regions of the State.