

18A:27-4.1

LEGISLATIVE HISTORY CHECKLIST
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(School employment)

NJSA: 18A:27-4.1

LAWS OF: 1995 **CHAPTER:** 125

BILL NO: A2410

SPONSOR(S): Rocco and Solomon

DATE INTRODUCED: December 12, 1994

COMMITTEE: **ASSEMBLY:** Education

SENATE: ---

AMENDED DURING PASSAGE: Yes **Amendments during passage**
First reprint enacted **denoted by superscript numbers**

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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

FISCAL NOTE: No

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FOLLOWING WERE PRINTED:

REPORTS: No

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[FIRST REPRINT]
ASSEMBLY, No. 2410

STATE OF NEW JERSEY

INTRODUCED DECEMBER 12, 1994

By Assemblymen ROCCO and SOLOMON

1 AN ACT concerning the employment of school board officers and
2 employees, supplementing chapter 27 of Title 18A of the New
3 Jersey Statutes and amending P.L.1971, c.436.

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

7 1. (New section) Notwithstanding the provisions of any law,
8 rule or regulation to the contrary,

9 a. A board of education shall appoint, transfer or remove a
10 certificated or non-certificated officer or employee only upon
11 the recommendation of the chief school administrator and by a
12 recorded roll call majority vote of the full membership of the
13 board. The board shall not withhold its approval for arbitrary and
14 capricious reasons ¹[, and, upon the request of the chief school
15 administrator, the board shall provide an explanation for the
16 disapproval]¹.

17 b. A board of education shall renew the employment contract
18 of a certificated or non-certificated officer or employee only
19 upon the recommendation of the chief school administrator and
20 by a ¹[simple] recorded roll call¹ majority vote of the ¹full
21 membership of the¹ board. The board shall not withhold its
22 approval for arbitrary and capricious reasons ¹[, and, upon the
23 request of the chief school administrator, the board shall provide
24 an explanation for the disapproval]¹. A nontenured officer or
25 employee who is not recommended for renewal by the chief
26 school administrator shall be deemed nonrenewed ¹[, and the].
27 Prior to notifying the officer or employee of the nonrenewal, the
28 chief school administrator shall notify the board of the
29 recommendation not to renew the officer's or employee's
30 contract and the reasons for the recommendation. An officer or
31 employee whose employment contract is not renewed shall have
32 the right to a written statement of reasons for nonrenewal
33 pursuant to section 2 of P.L.1975, c.132 (C.18A:27-3.2) and to an
34 informal appearance before the board. The purpose of the
35 appearance shall be to permit the staff member to convince the
36 members of the board to offer reemployment¹. ¹The¹ chief
37 school administrator shall notify ¹[the board and]¹ the officer or
38 employee of the nonrenewal pursuant ¹,where applicable,¹ to the
39 provisions of section 1 of P.L.1971, c.436 (C.18A:27-10).

40 c. The provisions of this section shall not apply to the
41 appointment, transfer, removal, renewal or nonrenewal of a
42 person who is a treasurer of school moneys, election officer,

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:

¹ Assembly AED committee amendments adopted February 23, 1995.

1 board auditor, board attorney or board secretary, except a board
2 secretary who performs business administration functions.

3 2. Section 1 of P.L.1971, c.436 (C.18A:27-10) is amended to
4 read as follows:

5 1. On or before May 15 in each year, [every board of education
6 in this State shall give to] each nontenured teaching staff
7 member continuously employed by [it] a board of education since
8 the preceding September 30 shall receive either

9 a. A written offer of a contract for employment from the
10 board of education for the next succeeding year providing for at
11 least the same terms and conditions of employment but with such
12 increases in salary as may be required by law or policies of the
13 board of education, or

14 b. A written notice from the chief school administrator that
15 such employment will not be offered.

16 (cf: P.L.1993, c.100, s.2)

17 3. This act shall take effect immediately.

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22 Clarifies role of chief school administrator in school board
23 employment decisions.

1 b. A written notice from the chief school administrator that
2 such employment will not be offered.
3 (cf: P.L.1993, c.100, s.2)

4 3. This act shall take effect immediately.

5 *Spencer*

6 STATEMENT
7

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9 This bill clarifies the role of the chief school administrator in
10 school board employment decisions. The bill provides that a
11 board of education would appoint, transfer or remove a
12 certificated or non-certificated officer or employee only upon
13 the recommendation of the chief school administrator and by a
14 recorded roll call majority vote of the full membership of the
15 board. In the case of a contract to be renewed, the bill requires
16 the recommendation of the chief school administrator and a
17 simple majority vote of the board. In both cases the board may
18 not withhold its approval for arbitrary and capricious reasons,
19 and, upon the request of the chief school administrator, the board
20 would provide an explanation for the disapproval. Those
21 provisions would not apply to the appointment, transfer, removal,
22 renewal or nonrenewal of a person who is a treasurer of school
23 moneys, election officer, board auditor, board attorney or board
24 secretary, except a board secretary who performs business
25 administration functions.

26 A nontenured officer or employee who is not recommended for
27 renewal by the chief school administrator would be deemed
28 nonrenewed, and the chief school administrator would notify the
29 board and the officer or employee.

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34 Clarifies role of chief school administrator in school board
35 employment decisions.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2410

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 1995

The Assembly Education Committee favorably reports Assembly Bill No. 2410 with committee amendments.

As amended by committee, this bill clarifies the role of the chief school administrator in school board employment decisions. The bill provides that a board of education would appoint, transfer or remove a certificated or non-certificated officer or employee only upon the recommendation of the chief school administrator and by a recorded roll call majority vote of the full membership of the board. In the case of a contract to be renewed, the bill also requires the recommendation of the chief school administrator and a recorded roll call majority vote of the full membership of the board. In both cases the board may not withhold its approval for arbitrary and capricious reasons. Those provisions would not apply to the appointment, transfer, removal, renewal or nonrenewal of a person who is a treasurer of school moneys, election officer, board auditor, board attorney, or board secretary, except a board secretary who performs business administration functions.

A nontenured officer or employee who is not recommended for renewal by the chief school administrator would be deemed nonrenewed. Prior to notifying the officer or employee of the nonrenewal, the chief school administrator is to notify the board of the nonrenewal recommendation and the officer or employee shall have the right to a statement of reasons for the nonrenewal pursuant to existing law and the right to an informal appearance before the board.

The committee amended the bill to delete the requirement that a board of education provide the chief school administrator with an explanation of its disapproval of his recommendation. The committee amendments also require the recorded roll call majority vote of the full membership of the board on a contract renewal as opposed to a simple majority vote. The committee also amended the bill to clarify that a nontenured officer or employee who is notified of nonrenewal of his contract retains the right to a written statement of reasons for nonrenewal as authorized under existing law and a right to an informal hearing before the board.