

18A:17-14.1
LEGISLATIVE HISTORY CHECKLIST
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NJSA: 18A:17-14.1 (School superintendants--sharing)

LAWS OF: 1996 CHAPTER: 111

BILL NO: A1397

SPONSOR(S): Bagger

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Education
SENATE: Education

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

DATE OF PASSAGE: ASSEMBLY: May 6, 1996
SENATE: June 27, 1996

DATE OF APPROVAL: August 29, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement,
adopted 3-28-96 with
floor amendments

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: ~~No~~ Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

974.90 New Jersey. Commission on Business Efficiency of the Public
S372 Schools.

1995a Finding opportunities for improvement: ideas on
regionalization and shared services recommendations. December,
1995, Trenton, 1995.

974.90 New Jersey. Dept. of Education, Commissioner's Consolidation of
S372 Services Task Force.

1995 Consolidation of services school districts survey. Trenton,
1995. [see Recommendations pp 17-18]

974.90 New Jersey. Commission of Business Efficiency of the Public
S372 Schools. Regionalization Consortium.

1994c Meeting, held 3-11-94, Trenton, 1994.

See newspaper clippings--attached:

"School sharing bill inked." 8-29-96. Trenton Times.

KBP:pp

[Third Reprint]
ASSEMBLY, No. 1397

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STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen BAGGER, BLEE, Bateman,
Assemblywomen Heck and Murphy

1 AN ACT concerning the sharing of certain personnel by school boards,
2 amending various sections of the New Jersey Statutes and
3 supplementing chapter 17 ¹of Title 18A¹ of the New Jersey
4 Statutes.

5

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

8

9 1. N.J.S.18A:17-14.1 is amended to read as follows:

10 18A:17-14.1. A board or the boards of two or more districts may,
11 under rules and regulations prescribed by the state board, appoint a
12 school business administrator by a majority vote of all the members of
13 the board, define his duties, which may include serving as secretary of
14 one of the boards, and fix his salary, whenever the necessity for such
15 appointment shall have been agreed to by the county superintendent of
16 schools or the county superintendents of schools of the counties in
17 which the districts are situate and approved by the commissioner and
18 the state board. ¹[No] ¹A¹ school business administrator shall be
19 appointed ¹[except]¹ in the manner provided in this section ¹[except
20 that] however¹ when the boards of education of two or more school
21 districts determine to share a school business administrator, the
22 appointment shall ¹[be made pursuant to] comply with the provisions
23 of¹ section 4 of P.L. , c. (C.)(now pending before the
24 Legislature as this bill).

25 Nothing in ¹[this act] P.L. , c. (C.)(now pending before the
26 Legislature as this bill)¹ shall prohibit a school district from
27 subcontracting its school business administrator to another school
28 district ¹pursuant to the provisions of P.L.1973, c.208 (C.40:8A-1 et
29 seq.)¹ , in which case credit toward tenure acquisition shall accrue

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 March 25, 1996.

² Assembly floor amendments adopted March 28, 1996.

³ Senate SED committee amendments adopted June 20, 1996.

1 only in the primary district of employment. ¹The provisions of
2 P.L. _____, c. _____ (C. _____) (now pending before the Legislature as this
3 bill) concerning the arrangement to share a school business
4 administrator by two or more school districts shall not apply when a
5 school district subcontracts its school business administrator to
6 another school district.¹

7 (cf: N.J.S.18A:17-14.1)

8

9 2. N.J.S.18A:17-15 is amended to read as follows:

10 18A:17-15. The board of education of a Type I district and of any
11 Type II district, now having or hereafter authorized to have a
12 superintendent of schools, may, by contract appoint, for a term of not
13 less than three nor more than five years and expiring July 1, a
14 superintendent of schools by the recorded roll call majority vote of the
15 full membership of the board.

16 A superintendent of schools may be appointed for a like term also
17 in any other Type II district or in any other two or more Type II
18 districts as follows:

19 Application for the establishment of the office of superintendent of
20 schools for ~~the~~ a district or for two or more districts which
21 determine to share a superintendent shall be made to the county
22 superintendent of the county or the county superintendent of each of
23 the counties in which such district or districts are situate and if said
24 application is agreed to in writing by such county superintendent or
25 county superintendents and shall be approved by the commissioner and
26 the State board, the board of education of such a district so applying
27 may appoint a superintendent of schools for a single district in the
28 manner hereinbefore provided ~~or the commissioner shall appoint,~~
29 ~~subject to the approval of the State board, a superintendent of schools~~
30 ~~for two or more districts making such application and the State board~~
31 ~~shall apportion the expense of maintaining such a superintendent in~~
32 ~~more than one district equitably between the districts]~~or may appoint
33 a superintendent for two or more districts in the manner provided by
34 section 4 of P.L. _____, c. _____ (C. _____)(now pending before the Legislature
35 as this bill).

36 (cf: P.L.1991, c.267, s.1)

37

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

39 N.J.S.18A:28-5. The services of all teaching staff members
40 including all teachers, principals other than administrative principals,
41 assistant principals, vice principals, assistant superintendents, and all
42 school nurses including school nurse supervisors, head school nurses,
43 chief school nurses, school nurse coordinators, and any other nurse
44 performing school nursing services and such other employees as are in
45 positions which require them to hold appropriate certificates issued by
46 the board of examiners, serving in any school district or under any

1 board of education, excepting those who are not the holders of proper
2 certificates in full force and effect and school business administrators
3 shared by two or more school districts, shall be under tenure during
4 good behavior and efficiency and they shall not be dismissed or
5 reduced in compensation except for inefficiency, incapacity, or
6 conduct unbecoming such a teaching staff member or other just cause
7 and then only in the manner prescribed by subarticle B of article 2 of
8 chapter 6 of this Title, after employment in such district or by such
9 board for:

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

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

14 (c) The equivalent of more than three academic years within a
15 period of any four consecutive academic years.

16 (cf: P.L.1991, c.267, s.3)

17

18 4. (New section) The boards of education of two or more school
19 districts may share a superintendent or a school business administrator,
20 or both. A shared superintendent or business administrator shall be
21 subject to the same rules governing eligibility for employment as are
22 superintendents or business administrators of a single district. ¹The
23 decision to share a school business administrator shall be made jointly
24 by the boards of education of the districts, in consultation with the
25 superintendents of the respective districts ³, ³ ²subject to the final
26 approval of the ³[county superintendent or superintendents²]
27 Commissioner of Education ³. ¹ The decision to share a superintendent
28 ¹[or business administrator] ¹ shall be made jointly by the ¹boards of
29 education of the ¹ districts, subject to the final approval of the
30 ³[county superintendent or superintendents,] Commissioner of
31 Education. The procedure shall be ³ as follows:

32 a. Should two or more districts, after careful study and ¹[ample]¹
33 opportunity for community input, decide to share a superintendent
34 ¹[or school business administrator] or ¹school business
35 administrator ³, the districts shall mutually prepare a report for
36 submission to the county superintendent or county superintendents if
37 the districts are in different counties. The report shall outline the
38 anticipated advantages to the districts and the feasibility of a shared
39 arrangement. The report shall set forth a plan explaining how the
40 shared arrangement will operate, and shall also address such items as
41 community support for the arrangement, effect on services to the
42 respective districts, division of the ¹[business administrator's or]¹
43 superintendent's ³ or business administrator's ³ time between the
44 districts, availability of administrative backup, likelihood of situations
45 creating conflict of interest, and financial advantages of the
46 arrangement.

1 b. The county superintendent or superintendents shall ³[grant
2 approval ¹of a shared superintendent arrangement¹ based on guidelines
3 ²[to] which may² be established by the]³ ²[State Board] ³review
4 the plan and forward a recommendation to the³ Commissioner² of
5 Education ³who shall approve or disapprove the plan³.

6
7 5. (New section) Any boards obtaining the approval of the
8 ³[county superintendent or superintendents] Commissioner of
9 Education³ may contract with one another for the sharing of a
10 superintendent or school business administrator. The contract shall be
11 in writing and shall address the responsibilities of each district under
12 the sharing relationship, including the apportionment of costs. The
13 agreement shall be made contingent upon the districts' mutual
14 agreement on a candidate to fill the shared position and shall be
15 conterminous with the superintendent's or business administrator's
16 employment contract. ³A candidate for the position of superintendent
17 shall hold the standard certificate of school administrator and a
18 candidate for the position of school business administrator shall hold
19 the standard certificate of school business administrator.³

20 a. The school districts shall together agree on how the initial costs
21 of sharing a superintendent or business administrator shall be
22 apportioned, which apportionment shall be expressed as a percentage
23 for each district, and shall include the cost of salaries and benefits.
24 ¹[The State Board of Education shall adopt guidelines regarding the
25 apportionment of expenses between the sharing districts.]¹

26 b. At least one year prior to the expiration of the first or any
27 subsequent contract between school boards sharing a superintendent
28 or business administrator, a board wishing to terminate the contract
29 shall notify, in writing, the other board or boards and the
30 superintendent or business administrator, that it wishes to terminate
31 the contract.

32 c. Should a board give a notice of termination, the contract
33 between the boards shall be terminated at the expiration of that term
34 and the superintendent or business administrator shall not be
35 reappointed by the joint boards at the end of the current term.
36 However, the termination shall not preclude a board from reemploying
37 the superintendent or business administrator on an individual basis.

38 ³d. Upon the expiration of a contract between school boards
39 sharing a superintendent or business administrator, the boards shall
40 submit a report to the county superintendent or superintendents,
41 which shall include an evaluation of the sharing relationship and the
42 feasibility of voluntarily forming a regional district.³

43
44 6. (New section) The boards of education may, by contract,
45 appoint a shared superintendent or school business administrator for
46 a term of not less than three nor more than five years and expiring

1 July 1, by the recorded roll call majority vote of the membership of
2 each board. At the conclusion of the term of the initial contract or of
3 any subsequent contract, the superintendent or business administrator
4 shall be deemed reappointed for another contracted term of the same
5 duration as the previous contract unless either:

6 a. The boards shall together agree to reappoint the person by
7 contract for a different term, which term shall not be less than three
8 nor more than five years in which event reappointments thereafter shall
9 be deemed for the new term unless a different term is again specified;
10 or

11 b. At least one year prior to the expiration of the first or any
12 subsequent contract a board shall notify the superintendent or
13 business administrator and the other board or boards in writing that
14 the person will not be reappointed at the end of the current term, in
15 which event the person's employment shall cease at the expiration of
16 that term. The contract between the boards shall also be terminated.
17 However, the termination shall not preclude any board from
18 reemploying the superintendent or business administrator on an
19 individual basis. ¹If a contract between boards of education is
20 terminated because the superintendent or business administrator is
21 not reappointed at the end of the term of employment, and the boards
22 involved in the previous sharing relationship determine to enter into a
23 new contract, the boards shall not be required to prepare and submit
24 a report or receive the approval of the ³[county superintendent or
25 superintendents of schools] Commissioner of Education³ if the new
26 contract is for the same shared position for which the boards
27 previously received approval.¹

28
29 7. (New section) During the term of any employment contract
30 with the board, a shared superintendent or school business
31 administrator shall not be dismissed or reduced in compensation
32 except for inefficiency, incapacity, or conduct unbecoming or other
33 just cause and then only in the manner prescribed by N.J.S.18A:6-9 et
34 seq.

35
36 ¹8. (New section) The position of shared superintendent or shared
37 business administrator shall not be a tenurable position. If two or
38 more boards of education appoint an individual from within one of the
39 school districts to a shared position, the individual shall retain all
40 tenure rights accrued in the positions in which he previously served
41 within the district. However, in no event shall the districts be required
42 to appoint a tenured individual from within any of the districts to fill
43 a shared position.¹

44
45 ¹[8.] 9.¹ (New section) The initial terms and conditions of the
46 employment contract between the boards and the superintendent ¹[or

1 school business administrator]¹ ²or school business administrator²
 2 shall be determined by the boards and the superintendent ¹[or
 3 business administrator within guidelines to be set by the State Board
 4 of Education]¹ ²or business administrator ². The terms shall be
 5 maintained for the life of the contract. ³[¹The ²[State Board]
 6 Commissioner² of Education ²[shall] may² establish guidelines
 7 governing the initial terms and conditions of the employment contract
 8 between the boards and a superintendent.]³

9 ²[The initial terms and conditions of the employment contract
 10 between the boards and a school business administrator shall be
 11 determined by the boards in consultation with the superintendents of
 12 the respective districts.]²

13 Boards may mutually agree to provide additional benefits or
 14 compensation during the life of the superintendent's or business
 15 administrator's contract, but if agreement is not possible, an individual
 16 board may do so unilaterally based upon the superintendent's or
 17 business administrator's performance and the needs of the district, and
 18 the responsibility for the cost of the additional benefits shall rest solely
 19 with that individual board.

20

21 ¹[9.] ^{10.}¹ (New section) Each district shall ensure that the shared
 22 superintendent or school business administrator is evaluated
 23 individually in that district, in accordance with statute and regulation.

24

25 ¹[10.] ^{11.}¹ (New section) The county superintendent
 26 ¹or superintendents if the districts are in different counties¹ shall serve
 27 as ¹[an] ³[the¹ arbitrator over] a mediator for³ any disputes arising
 28 over the interpretation of the contract between the boards of education
 29 sharing a superintendent or a school business administrator.

30

31 ¹12. (New section) The provisions of P.L. . . . c. (C.) (now
 32 pending before the Legislature as this bill) shall govern the sharing of
 33 a superintendent or school business administrator by two or more
 34 boards of education and shall not be deemed inconsistent with the
 35 provisions of P.L. 1973, c. 208 (C. 40:8A-1 et seq.) insofar as that act
 36 may authorize the subcontracting of school district administrative
 37 services.¹

38

39 ¹[11.] ^{13.}¹ This act shall take effect immediately ³,but the
 40 employment of a shared superintendent or school business
 41 administrator shall be effective on July 1, 1997 and thereafter³.

1 compensation during the life of the superintendent's or business
2 administrator's contract, but if agreement is not possible, an individual
3 board may do so unilaterally based upon the superintendent's or
4 business administrator's performance and the needs of the district, and
5 the responsibility for the cost of the additional benefits shall rest solely
6 with that individual board.

7
8 9. (New section) Each district shall ensure that the shared
9 superintendent or school business administrator is evaluated
10 individually in that district, in accordance with statute and regulation.

11
12 10. (New section) The county superintendent shall serve as an
13 arbitrator over any disputes arising over the interpretation of the
14 contract between the boards of education sharing a superintendent or
15 a school business administrator.

16
17 11. This act shall take effect immediately.

18
19
20 STATEMENT

21
22 This bill replaces the existing provisions authorizing several boards
23 of education to share one superintendent or school business
24 administrator with more comprehensive procedures. The proposal
25 would give boards of education greater authority to appoint a shared
26 superintendent than they have currently. Under existing law it is the
27 commissioner who appoints a superintendent subject to approval of
28 the State board. This bill would allow boards to jointly choose the
29 candidate of their choice.

30 Under the proposal, the position of shared business administrator,
31 like that of superintendent, would not be a tenurable position.
32 Moreover, the bill would not affect the ability of a school district to
33 subcontract the services of its school business administrator to another
34 school district. The bill makes it clear that should a district choose
35 subcontracting of a school business administrator over sharing, credit
36 toward tenure acquisition accrues only in the primary district of
37 employment.

38 Boards seeking to share a superintendent or business administrator
39 must receive approval from the county superintendent or
40 superintendents after soliciting community input and presenting a
41 report to the county superintendent or superintendents describing both
42 how the shared relationship would operate and its projected impact on
43 the districts' effective rendering of services. Further, the bill would
44 permit boards to decide between themselves how the costs of the
45 shared relationship will be apportioned, with guidance from the State
46 Board of Education.

1 Boards obtaining county approval would enter into a written
2 contract with one another prior to making the appointment. The
3 written contract would be contingent upon finding a mutually
4 agreeable candidate, would define the sharing relationship and would
5 include the apportionment of costs between the districts pursuant to
6 guidelines to be established by the State Board of Education. The
7 districts would jointly agree on a superintendent or business
8 administrator and would together enter into an employment contract
9 with the person, which is to be separate from the agreement between
10 the districts to share a superintendent or business administrator.

11 Upon the recorded roll call majority vote of each board, the
12 districts would be authorized to offer the shared employee a three to
13 five year contract expiring July 1. At the end of the term of the initial
14 contract, the superintendent or business administrator would be
15 deemed reappointed for another term of the same duration unless the
16 boards were to jointly agree to reappoint the person for a different
17 term, or unless at least one year prior to the expiration of the contract
18 either board were to provide written notice of nonrenewal to both the
19 shared employee and the other board. Similarly, the employment
20 would cease if either board, at least one year prior to the expiration of
21 the contract, gave written notice to all parties that it no longer wished
22 to be a party to the contract for the sharing of a superintendent or
23 school business administrator, as appropriate. In either event, the
24 contract between the boards would be conterminous with that of the
25 superintendent's or business administrator's contract. The fact that
26 the shared employee's contract is terminated does not preclude an
27 individual district from offering the employee employment.

28 The initial terms and conditions of the employment contract
29 between the two boards and the superintendent or school business
30 administrator would be determined by both boards and the
31 superintendent, within guidelines to be set by the State Board of
32 Education. The terms would be maintained for the life of the contract.
33 Boards may mutually agree to provide additional benefits or
34 compensation during the life of the contract, but if agreement is not
35 possible, an individual board could do so, and would bear the sole
36 responsibility for the cost of such additional benefits. Each district
37 would have an individual obligation to evaluate the superintendent.
38 The county superintendent would serve as an arbitrator over any
39 disputes arising over the interpretation of the employment contract.

40
41
42

43 Provides procedure for school districts which determine to share the
44 services of a superintendent or business administrator.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1397

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 25, 1996

The Assembly Education Committee reports favorably Assembly Bill No. 1397 with committee amendments.

This bill replaces the existing provisions authorizing several boards of education to share one superintendent or school business administrator with more comprehensive procedures. The proposal would give boards of education greater authority to appoint a shared superintendent than they have currently. Under existing law it is the commissioner who appoints a superintendent subject to approval of the State board. This bill would allow boards to jointly choose the candidate of their choice.

Under the proposal, the position of shared business administrator, like that of superintendent, would not be a tenurable position. If two or more boards of education appoint an individual from within one of the school districts to a shared position, the individual would retain all tenure rights accrued in the positions in which he previously served. Also, the bill would not affect the ability of a school district to subcontract the services of its school business administrator to another school district. The bill makes it clear that should a district choose subcontracting of a school business administrator over sharing, credit toward tenure acquisition accrues only in the primary district of employment.

Under the bill's provisions, the decision to share a school business administrator and to seek the approval of the county superintendent or superintendents of schools for the arrangement would be made jointly by the boards of education of the districts, in consultation with the superintendents of the respective districts. Boards which want to share a superintendent must receive approval from the county superintendent or superintendents after soliciting community input and presenting a report to the county superintendent describing both how the shared relationship would operate and its projected impact on the districts' effective rendering of services. The bill would permit boards to decide between themselves how the costs of the shared relationship will be apportioned.

Boards obtaining county approval would enter into a written contract with one another prior to making the appointment. The

written contract would be contingent upon finding a mutually agreeable candidate, would define the sharing relationship and would include the apportionment of costs between the districts. The districts would jointly agree on a superintendent or business administrator and would together enter into an employment contract with the person, which is to be separate from the agreement between the districts to share a superintendent or business administrator.

Upon the recorded roll call majority vote of each board, the districts would be authorized to offer the shared employee a three to five year contract expiring July 1. At the end of the term of the initial contract, the superintendent or business administrator would be deemed reappointed for another term of the same duration unless the boards were to jointly agree to reappoint the person for a different term, or unless at least one year prior to the expiration of the contract either board were to provide written notice of nonrenewal to both the shared employee and the other board. Similarly, the employment would cease if either board, at least one year prior to the expiration of the contract, gave written notice to all parties that it no longer wished to be a party to the contract for the sharing of a superintendent or school business administrator, as appropriate. In either event, the contract between the boards would be conterminous with that of the superintendent's or business administrator's contract. The fact that the shared employee's contract is terminated does not preclude an individual district from offering the employee employment.

The initial terms and conditions of the employment contract between the two boards and the school business administrator would be determined by both boards, in consultation with the superintendents of the respective districts. The terms and conditions of the employment contract between the two boards and the superintendent, would be determined by both boards and the superintendent within guidelines to be set by the State Board of Education. The terms would be maintained for the life of the contract. Boards may mutually agree to provide additional benefits or compensation during the life of the contract, but if agreement is not possible, an individual board could do so, and would bear the sole responsibility for the cost of such additional benefits. Each district would have an individual obligation to evaluate the superintendent. The county superintendent would serve as an arbitrator over any disputes arising over the interpretation of the employment contract.

The committee amended the bill to clarify the distinction between a shared service arrangement for a school business administrator and any subcontracting arrangement which may be authorized under the "Interlocal Services Act," P.L.1973, c.208. The amendments also eliminate the requirement that school districts which want to share a school business administrator submit a detailed report the county superintendent of schools prior to his approval of the arrangement. Under the amendments the decision to share a school business administrator would be made jointly by the boards of education of the

districts in consultation with the superintendent of the respective districts.

The amendments also clarify the fact that shared positions are non-tenurable but provide that if an individual from within one of the school districts is appointed to the shared position, he will retain all tenure rights accrued in the positions in which he previously served in the district. Finally, the amendments provide that if a contract between boards of education is terminated because the superintendent or school business administrator will not be reappointed at the end of the term of employment, the boards will not be required to submit a report or receive the approval of the county superintendent if they decide to enter into a new contract for the same shared position for which the boards previously received approval.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1397

with Assembly Floor Amendments
(Proposed By Assemblyman BAGGER)

ADOPTED: MARCH 28, 1996

These amendments clarify that the terms and conditions of the employment contract between boards of education sharing a school business administrator and the business administrator shall be determined by the boards and the business administrator. The amendments also provide that any guidelines which are developed to effectuate the bill's provisions will be developed by the Commissioner of Education as opposed to the State Board of Education.

L1996,0,111

SENATE EDUCATION COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 1397

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 1996

The Senate Education Committee reports favorably Assembly Bill No. 1397 (2R) with committee amendments.

As amended, this bill replaces the existing provisions authorizing several boards of education to share one superintendent or school business administrator with more comprehensive procedures. The proposal would give boards of education greater authority to appoint a shared superintendent than they have currently. Under existing law it is the commissioner who appoints a superintendent, subject to approval of the State board. This bill would allow boards to jointly choose the candidate of their choice.

Under the proposal, the position of shared business administrator, like that of superintendent, would not be a tenurable position. If two or more boards of education appoint an individual from within one of the school districts to a shared position, the individual would retain all tenure rights accrued in the positions which were previously served. Also, the bill would not affect the ability of a school district to subcontract the services of its school business administrator to another school district. The bill makes it clear that should a district choose subcontracting of a school business administrator over sharing, credit toward tenure acquisition accrues only in the primary district of employment.

Under the bill's provisions, if two or more districts, after careful study and opportunity for community input, decide to share a superintendent or school business administrator, the districts would mutually prepare a report for submission to the county superintendent describing both how the shared relationship would operate and its projected impact on the districts' effective rendering of services. The county superintendent would review the plan and forward a recommendation to the Commissioner of Education who would approve or disapprove the plan.

Boards obtaining approval of the commissioner would enter into a written contract with one another prior to making the appointment. The written contract would be contingent upon finding a mutually

agreeable candidate, would define the sharing relationship and would include the apportionment of costs between the districts. The districts would jointly agree on a superintendent or business administrator and would together enter into an employment contract with the person, which is to be separate from the agreement between the districts to share a superintendent or business administrator. Any candidate for a shared position must hold a standard certificate as appropriate.

Upon the recorded roll call majority vote of each board, the districts would be authorized to offer the shared employee a three to five year contract expiring July 1. At the end of the term of the initial contract, the superintendent or business administrator would be deemed reappointed for another term of the same duration unless the boards were to jointly agree to reappoint the person for a different term, or unless at least one year prior to the expiration of the contract, either board were to provide written notice of nonrenewal to both the shared employee and the other board. Similarly, the employment would cease if either board, at least one year prior to the expiration of the contract, gave written notice to all parties that it no longer wished to be a party to the contract for the sharing of a superintendent or school business administrator, as appropriate. In either event, the contract between the boards would be conterminous with that of the superintendent's or business administrator's contract. The fact that the shared employee's contract is terminated does not preclude an individual district from offering the employee employment. Upon the expiration of a contract, the boards would submit a report to the county superintendent evaluating the sharing relationship and the feasibility of voluntary regionalization.

Boards may mutually agree to provide additional benefits or compensation during the life of a contract, but if agreement is not possible, an individual board could do so, and would bear the sole responsibility for the cost of such additional benefits. Each district would have an individual obligation to evaluate the superintendent or business administrator. The county superintendent would serve as a mediator for any disputes arising over the interpretation of the employment contract. Under the bill, the employment of a shared superintendent or school business administrator would be effective on July 1, 1997 and thereafter.

Amendments were adopted which: 1) give the Commissioner of Education, rather than a county superintendent, the authority to approve a shared arrangement; 2) require a candidate for a shared relationship to have a standard certificate; 3) require participating boards to submit a report evaluating the relationship and the feasibility of voluntary regionalization; 4) revise the role of the county superintendent from arbitrator to mediator in case of disputes; and 5) permit the employment of a shared superintendent or school business administrator on July 1, 1997 and thereafter.

As amended, this bill is identical to S-1180 with Senate committee amendments.

974.901
G61



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

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RELEASE: Thurs., Aug. 29, 1996

Gov. Christie Whitman emphasized controlling local costs and increasing efficiency when she signed legislation which promotes the sharing of superintendents or business administrators by school districts.

"This legislation will ensure that school districts that share services will maintain the highest level of service delivery to the students while cutting out unnecessary administrative overhead," said Gov. Whitman.

The bill streamlines the procedure for districts to follow in determining whether or not a shared services situation is appropriate for the district. It allows the local boards from the involved districts to jointly make a decision about shared services and seek the approval of the state Commissioner of Education. The boards are required to solicit community input and present a report to the county superintendent detailing how the shared services arrangement would work and assessing projected impact on the district's delivery of service.

The bill also provides, upon the approval of the commissioner, guidelines for the terms of the written agreement between the districts to implement the arrangement. The first contracts for such shared services may not be entered into until July 1, 1997.

A-1397/S-1180 was sponsored by Assembly Richard Bagger (R-Middlesex/Morris/Somerset/Union) and Francis Blee (R-Atlantic) and

Senators Joseph Palaia (R-Monmouth) and Jack Ewing (R-Morris/Somerset).

Gov. Whitman also signed legislation that increases the membership of the Shell Fisheries Council from nine to ten members, establishes the Oyster Resource Development Account to replace the existing Oyster Cultch Fund and codifies existing licensing fee regulations for oyster boats.

The legislation also grants the state Department of Environmental Protection (DEP) the discretion to open the oyster harvest season for state seed beds year round. This would allow the DEP to maximize the oyster harvest without compromising the viability of the resource.

A-2023/S-1159 was sponsored by Assemblyman Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Steve Corodemus (R-Monmouth) and Senators Joseph Kyrillos (R-Middlesex/Monmouth) and Gerald Cardinale (R-Bergen).