

SCHOOL BOARD notes

Legislative Update: Budget Agreement Appears Likely



With less than a month to go before the state's new fiscal year begins on July 1, both Democratic and Republican legislators are predicting that a budget agreement will be reached that will avert a shutdown of state government.

According to media reports, the \$29.3 billion budget will remain mostly unchanged from Gov. Chris Christie's original proposed spending plan, which

included cuts of some \$820 million to education. There are indications that the Republican lawmakers, rather than the Democratic majority party, will draft and sponsor the budget legislation, and that the budget vote could come as soon as June 24.

Wage Concessions Bill A bill that requires that any savings realized by boards from concessions made by a district's labor unions be used to offset any reductions in force passed the Senate Education

Committee. S-1940, (VanDrew, Ruiz), was unanimously released by the committee on June 3, and is now poised for a vote by the full Senate.

NJSBA opposes the bill, believing that it is unnecessary and noting that it will infringe on local school boards' responsibility to represent the public's interest.

The companion bill, A-2772, was introduced in the Assembly on May 20 and referred to the Assembly Education Committee. 🍷

New Jersey Supreme Court Rules in Arbitration Case

The New Jersey Supreme Court ruled Tuesday that an arbitrator did not overstep his authority when he determined that it was inappropriate for a school board to terminate a custodian, even though there was "just cause" to discipline the employee for improper behavior.

The case, *Linden Education Association v. Linden Board of Education*, centered around a custodian who defied instruc-

tions not to enter a girls' changing room while they were dressing. The custodian proceeded to clean windows in the room while the girls were changing costumes for a dance recital. Following an investigation, the board of education terminated him, noting that he only reluctantly left the room after being told to do so by staff and students, and that he knew that the room would be used as a dressing room.

An arbitrator said termination was too harsh a penalty given his unblemished record, and instead imposed a 10-day suspension without pay. Due to ambiguous language in the arbitrator's decision and because of the nature of the offense, the board fought for termination.

The Appellate Division of Superior Court found in a 2-1 decision that the arbitrator had exceeded his authority.

The case went before the state Supreme Court in January, where NJSBA argued as *amicus curiae* (friend of the court) for the school board. NJSBA's legal staff argued that termination was the appropriate discipline for an issue dealing with the safety and welfare of the student population.

Although the employee had died during the appeals process, the Supreme Court

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Reduced Fee for Workshop 2010

To keep Workshop attendance within reach of local school districts, NJSBA has cut the Workshop group registration fee in half, to \$550.

That fee will cover attendance by up to 11 board members, administrators and other staff from the same district. And by applying part of NJSBA's \$2,000 per-district service credit toward Workshop registration, districts can participate in the 2010 event for free!

School officials should ask their business administrator to register their district using the registration form in this week's *School Board Notes*. For more information on Workshop, visit www.slconnect.org.

Policy Updates Provided by NJSBA

Harassment and bullying, nepotism, accountability and NJQSAC – there have been many changes in the laws that affect school board policy. In an effort to help school boards stay current with state regulations, NJSBA is posting online updates to policy legal references that reflect the many recent changes in law.

“Series 1000 Community Relations” has been updated in the *Critical Policy Reference Manual*, which can be found online in the “Popular Resources” box of

www.njsba.org. School board members need their logon name and password to access the manual. The updates are accompanied by a 2010 Legal Reference Update Chart that details the changes to each legal reference and policy.

NJSBA will announce each series as it is posted. Stay current by checking with *School Board Notes* regularly. School officials who have any questions can call NJSBA at (609) 278-5222 to speak with a policy consultant. 🍏



Learn@Lunch Provides Preview of Workshop 2010

NJSBA is offering a sneak peek at Workshop 2010 during a special edition of Learn@Lunch, NJSBA's popular new series of webcasts. The Learn@Lunch program will be held 12-12:45 p.m. Wednesday, June 16.

The Learn@Lunch webcasts allow school officials to go online to discuss education issues with colleagues from across the state – all from the convenience of members' home or office computers.

Because many members have had questions about Workshop 2010, to be held October 19 and 20 in Somerset, the June 16 webcast will address what is in store for the state's major training program for school board members and administrators. The panel will talk about the new Workshop location, the variety of training opportunities, the new NJSBA Board Member Appreciation event held on the first night of Workshop, and how districts can attend Workshop at no cost.

Learn@Lunch is free, but registration is required. To register, go online to www.njsba.org/learnatlunch.

Suit Calls for Full State Funding

As *School Board Notes* went to press, the Education Law Center has filed suit to request that the New Jersey Supreme Court compel the state to fund the new school-funding formula, the School Funding Reform Act of 2008, or SFRA.

The Education Law Center – which has represented the students in the state's 31 special needs, or Abbott districts – contends that in May 2009, the state Supreme Court allowed the state's new funding formula to go into effect, but said the formula must be fully funded. The center quotes the court's ruling, “Our finding of constitutionality is premised on the expectation that the state will continue to provide school funding aid during this and the next two years at the levels required by SFRA's formula each year.”

The center said the legal action was caused by Gov. Christie's \$1.8 billion cut in state aid for 2010-2011. The text of the motion can be found on the center's website at www.edlawcenter.org.

Honors and Recognition



(Left) Camden County School Boards Association president John Kendell presents Karen Sorbello of the Magnolia Board of Education with a 20-year Milestone Award at the association's June 2 meeting.



(Above) Mike McClure, left, president of the Burlington County School Boards Association, and John Bulina, right, NJSBA's vice president for legislation/resolutions, presents Walter Keiss of the Burlington County Special Services School District with the Burlington County Board Member of the Year Award at the association's June 1 meeting.

(Right) Robin Wetmore, left, of the Holmdel Board of Education receives her NJSBA board member certification from Kathy Winecoff, NJSBA field service representative, during the Monmouth County School Boards Association meeting on June 3.



(Left) Theresa Lewis, center, NJSBA Field Service Representative, presents Tammette Latona of the Clayton Board of Education and Tom Ridinger of the Paulsboro Board of Education with their NJSBA Board Academy certifications at the June 7 meeting of the Gloucester County School Boards Association.

(Right) Sussex County School Boards Association President Cynthia Auberger presents a Milestone Award to Stanley Dabrowski at the association's spring meeting on June 3. Dabrowski has served on the Wallkill Valley Regional Board of Education for 20 years.



(Left) Dr. Gerald Woehr (standing) of the Educational Information and Resource Center speaks about leadership skills in difficult times at the spring meeting of the Hunterdon County School Boards Association.





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REGISTRATION FORM

PLEASE FAX THE REGISTRATION FORM TO (609) 583-1040, OR E-MAIL REGISTER@NJSBA.ORG

REGISTRATION QUALIFICATIONS

Only board members and district staff are permitted to be included in a group registration. Board attorneys must register as individuals. Member rates are extended to all New Jersey school board members and staff of districts in good standing. Registration fee covers admission to all Workshop activities except, the School Law Forum. The mandated training registration form is separate.

TYPE OF REGISTRATION	MEMBER	NON-MEMBER
<input type="checkbox"/> Group Registration (open to N.J. school districts only) Covers the board, chief school administrator, school business official, district staff. Attorneys may not be included.	Members Only \$550 Up to 11 members	
<input type="checkbox"/> Individual Registration*	\$100	\$200

DISTRICT REGISTRANTS Name(s) of District Member(s)	E-MAIL ADDRESS	ATTENDING		
		Tues, 10/19	Wed, 10/20	Member Appreciation Event
Chief School Administrator				
School Business Official				
Board Member				
Board Member				
Board Member				
Board Member				
Board Member				
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Board Member				
Board Member				
Board Member				
Board Member				
Board Member				
District Staff & Title				
Non-group registrant (please include title)				
Total Amount Enclosed \$				

Do you wish to apply your service credit? (Applies to regular member school districts only) Yes No

Cancellation Fees: Jun 1-Sept 5 = \$50, Sept 6- 30 = \$100; Requests for refunds cannot be accepted after September 30, 2010.

MAKE CHECK PAYABLE TO NJSBA AND MAIL TO: New Jersey School Boards Association, Workshop, 413 West State St., Trenton, New Jersey 08605-0909.

ANY CHANGES AND/OR CANCELLATIONS MUST BE SENT TO US IN WRITING. Fax to (609) 583-1040, or e-mail to register@njsba.org.

School District _____ County _____

Contact Person _____ Telephone # _____

Affiliation Name/Address (if not with a school district) _____

*Individual registration will be charged at a rate of \$100 per member for the first five members registered. The group rate of \$550 covers 11 members. Additional members (above 11) will be charged a discounted rate of \$50 per person.



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Legislative Committee Sets Agenda

NJSBA's Legislative Committee met June 5 to set its agenda for the coming months, which includes initiatives ranging from improved communications to the proposed 2.5 percent property tax cap.

Newly elected president Ray Wiss, and John Bulina, vice president for legislation, addressed not only the Legislative Committee but also members of the Urban Boards Committee and County Association Leadership. Mr. Wiss outlined his goal of improving NJSBA's communication with the membership. He seeks to focus less on the information NJSBA sends to the districts, but more on the communication NJSBA receives from local districts.

Mr. Bulina moderated a discussion on issues such as the state budget, school board elections, Race to the Top, and the proposed 2.5 percent property tax cap. The committee decided to focus their summertime efforts on the 2.5 percent "hard cap," which would provide no waivers unless local voters override the cap. Nearly all legislative committee members had contacted their legislators recently, and they will need to do so again over the summer. Committee members are looking for other school board members to join them in communicating to state lawmakers concerns about the tax cap.

Interested members should contact Ray Pinney, NJSBA member outreach coordinator, at rpinner@njsba.org or by calling (609) 278-5244.

Check the online version of *School Board Notes* for important stories not included in the print version. Click on "School Board Notes" under the "In the News" heading of www.njsba.org.

Supreme Court Rules

continued

went forward and issued this week's ruling that the arbitrator's decision did not exceed his authority. "The contractual language drives our decision," said the court decision. "The parties did not define 'just cause' in the agreement, and the arbitrator needed to fill in the gap and give meaning to the words 'just cause.' The arbitrator did so. He concluded that 'progressive/corrective discipline [was] an integral part of the just cause concept' and that the employee's misconduct was not so egregious to support just cause to terminate."

NJSBA recommends that school boards consult with their attorneys on contract language regarding discipline and arbitration in their labor agreements as it relates to the court's ruling. 