



# New Jersey School Boards Association

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## APPENDIX H

### **NJSBA Task Force on New Jersey's Accountability Regulations**

#### **Review of Policy**

During its deliberations, the NJSBA Task Force on New Jersey's Accountability Regulations used several belief statements from the Association's *Policies and Positions on Education* as resource documents. Those policies are contained in this appendix to the task force's final report.

# POSITIONS AND POLICIES ON EDUCATION

## County and Intermediate Units

FILE CODE

1420

### Cooperative Arrangements

**The NJSBA believes** that the current variety of cooperative and regional service delivery arrangements support local boards of education in their mission to provide a thorough and efficient education to their students. These cooperative arrangements do not diminish the local board responsibility to provide for the needs and rights of students and parents. *[Authority: DA 12/85-CR ESC Study, DA 11/95-CR Shared Services, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

### Intermediate Units

- A. **The NJSBA believes** that each school district should have access to an intermediate unit (educational services commission or jointure commission) that provides coordination of services to all districts in an area without regard to county boundaries. The State Department of Education should ensure that all services offered by intermediate units are efficient, cost effective and provide the broadest range of services possible to districts within their area. *[Authority: DA 11/95-CR Shared Services]*
- B. **The NJSBA believes** there should be reasonable and practical requirements for the governance of intermediate units that fairly and equitably represent the interests and participation of all its members. The State Board of Education should establish intermediate units as Limited Purpose Local Education Agencies (LPLEAs) that are responsible to the State Department of Education and Executive County Superintendent of Schools to the same extent as all public school districts. *[Authority: DA 11/95-CR Shared Services, DA 12/85-CR ESC Study, DA 6/88-CR Designation of Intermediate Units as LEA's, DA 10/79-CR Regionalization, DA 6/81-24, DA 6/83-A, DA 6/84-A, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*
- C. **The NJSBA believes** that the use of Intermediate units should be encouraged by the State and the Executive County Superintendent where the Intermediate unit can provide cost-effective, quality services that meet the needs of the student. *[Authority: DA 5/14 (Special Education Task Force)]*
- D. **The NJSBA believes** that local districts should look to the Intermediate units as a primary resource when seeking services for special needs students. *[Authority: DA 5/14 (Special Education Task Force)]*

### NJSBA Relations with County Offices

- A. **The NJSBA believes** that the county offices of the State Department of Education provide needed services and support to local districts and should be entirely funded by the state.
- B. **The NJSBA believes** that the county offices should expand their responsibilities to districts to include offering expertise and technical assistance in the areas of budget review (as related to the educational program), program review, special education, vocational education and adult, continuing community education. *[Authority: BD 11/74, DA 6/78-12, DA 6/93-SR, DA 11/95-CR Shared Services]*
- C. **The NJSBA believes** that the county offices should maintain a special education data bank that would provide information to local child study teams on available services in the county. *[Authority: DA 6/78-12, DA 6/93-SR, DA 11/95-CR Shared Services, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

**Cross References:** 1500 Relations between area, county, state, regional and national associations and the district  
6142.12 Career education  
6171.4 Special education

Key Words: cooperative arrangements, intermediate units, county offices, budget, special education

## POSITIONS AND POLICIES ON EDUCATION

### State and National Units

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#### Federal Role in Education

- A. **The NJSBA believes** that it is the responsibility of the federal government to identify national interests in education, including national standards, and to provide full funding of those identified interests and initiatives. The role of the federal government should be to provide leadership in issues of national consequence that states and localities alone are unlikely to be able to meet, such as, protection of constitutional and civil rights for students and school employees; collection, analysis and reporting of national education statistics, and provision of general information about education. *[Authority: DA 11/09-ER (A)]*
- B. **The NJSBA believes** that the federal government, in cooperation with the states and local communities, should help meet the needs of key groups of students such as the gifted and talented, the socioeconomically disadvantaged, minority and language minority students, immigrants, migrant children, and those with disabilities.
- C. **The NJSBA believes** the authority for the management of public schools must remain with local boards of education. Federal authority over school districts should not exceed the scope necessary to meet national goals, including national standards, and to fulfill the state constitutional mandate for a thorough and efficient system of free public education. Federal authorities must give local districts the flexibility necessary to achieve the objectives and goals of federal education programs while maintaining local control. *[Authority: DA 11/02-3, DA 11/09-ER (A)]*
- D. **The NJSBA believes** there should be federal funding for federally mandated programs and incentives to local districts to develop programs of national interest. *[Authority: DA 12/83-1, BD 4/93, DA 11/00-CR School Finance]*
- E. **The NJSBA believes** there should be federal and state financial incentives to encourage interagency cooperation to promote early intervention programs for at-risk children; including prenatal care for pregnant teens; substance abuse prevention; parent and staff training; preschool programs and child care services; and health screening for infants and preschoolers. *[Authority: DA 6/89-CR Early Childhood Education, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

#### State Role in Education

- A. **The NJSBA believes** the authority for management of public schools should rest with local boards of education and State authority over school districts should not exceed the scope necessary to fulfill the constitutional mandate for a thorough and efficient system of free public education. *[Authority: DA 10/78-CR Graduation Requirements, DA 6/80-A, DA 6/93-SR, DA 6/95-SR]*
- B. **The NJSBA believes** the State Department of Education has the right to intervene in the management of a local school district on certain statutory grounds but only after due process procedures have been followed and criteria established to return the district to local control.
- C. **The NJSBA believes** in due process procedures that include: an opportunity for the local board to submit a remedial plan of its own, in lieu of formal intervention by the State; a plenary hearing at which the State has the burden of proof to establish need for State intervention and to delineate planned corrective measures; and process guidelines and timeframes for withdrawal of the State and return of control to the local board of education. *[Authority: BD 1/81, DA 6/95-SR, BD 1/01]*
- D. **The NJSBA believes** in the appointment by the State Legislature of an independent overseer of the

Department of Education's implementation of its corrective action plan. *[Authority: BD 1/01]*

- E. **The NJSBA believes** that all rules, regulations, and guidelines governing local boards of education should be submitted for open public review and approval of the State Board of Education and implementation of state regulations should be consistent with officially adopted rules. *[Authority: DA 12/82-8, DA6/93-SR, DA 6/97-7]*
- F. **The NJSBA believes** that the Commissioner of Education should be appointed by the Governor upon the recommendation of the State Board of Education and with the advice and consent of the Senate and should serve at the pleasure of the Governor during the Governor's term of office. *[Authority: 6/79-6, BD 10/82, DA 6/93-SR, DA 6/96-SR]*
- G. **The NJSBA believes** that the term of office for State Board of Education members should be four years and appointments to the State Board of Education should be made using a set of selection criteria that includes demonstrated commitment to public education, a capacity to understand issues, and a willingness to devote the time necessary for active involvement. *[Authority: DA 12/80-4]*
- H. **The NJSBA believes** that it should work with the state department of education and other state associations to identify models of shared management services through the consolidation of administrative positions; and encourage districts to explore the sharing of management services by consolidating positions which could include but not be limited to the chief school administrator, business administrator, curriculum supervisors and special education supervisor. The state department of education should establish guidelines to ensure protection for participating districts and personnel. *[Authority: DA 11/95-CR Shared Services, DA 5/01-SR, DA 11/01-SR, DA 11/01-SR, DA 11/02-3, DA-5/06-SR, DA 5/11-SR]*

#### NJSBA Political Action Committee

**The NJSBA believes** that the establishment of an Association Political Action Committee would not be beneficial and that board of education members can better affect the political process by communicating with government decision makers through their state and county Associations and through their own individual efforts. *[Authority: DA 10/78-CR PAC Feasibility, DA 6/93-SR, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

#### Initiative and Referendum Legislation

**The NJSBA believes** that the representative democracy, which has served New Jersey and the United States so well for two hundred years is the best means of law making for the future. The Association opposes dilution of representative democracy by creation of an initiative and referendum system in the state. *[Authority: BD 3/86, DA6/86-A, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

<b>Cross References:</b>	1500	Relations between area, county, state, regional, and national associations and NJSBA
	2255	Action Planning for New Jersey Quality Single Accountability Continuum (NJQSAC)/T&E Certification
	3230	Federal funds
	6142.2	English as a second language; bilingual/bicultural
	6142.4	Physical education and health
	6146	Graduation requirements
	6147	Standards of proficiency
	6178	Early childhood education

Key Words: federal government, funding, state authority, political action committee, initiative and referendum

## POSITIONS AND POLICIES ON EDUCATION

### Concepts and Roles in Administration

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#### Responsibilities of the Board of Education

- A. **The NJSBA believes** that two of the most significant responsibilities of the board of education are the hiring of a chief school administrator and annually reviewing the performance of the chief school administrator in implementing the district's educational goals, vision and direction.
- B. **The NJSBA believes** the board of education should annually review the performance of the board secretary concerning the functions where he/she directly reports to the board. *[Authority: DA 11/03-ER(A), DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

#### Leadership Effectiveness of Superintendents and Principals

**The NJSBA believes** that principals and superintendents must play a crucial leadership role in developing school and community support and school boards must provide them with professional development and other support required to carry out their leadership role effectively. *[Authority: DA 12/83-1, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

#### The Position of Chief School Administrator

- A. **The NJSBA believes** that the chief school administrator is critical in implementing the educational goals, vision and direction of the school board and the community and as overseer of the instructional and non-instructional aspects of the district, and in support of this responsibility, the chief school administrator should have the authority to recommend for hire to the board of education all employees. *[Authority: DA 11/03-ER(A)]*
- B. **The NJSBA believes** that the employment and evaluation of the chief school administrator is the central role of the local board of education and that the relationship between the board of education and the chief school administrator must be marked by understanding of, and mutual respect for, their respective and distinct policy-setting and managerial responsibilities.
- C. **The NJSBA believes** that swift, accurate communication between board members and the superintendent is crucial. *[Authority: DA 5/76-CR Policy Advisory]*
- D. **The NJSBA believes** the chief school administrator should report to the board of education on a monthly basis all personnel decisions and include a report attesting to compliance with the district's policy on personnel decisions. *[Authority: DA 11/03-ER(A), DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

#### Retention and Support of the Chief School Administrator

- A. **The NJSBA believes** that the terms and conditions of employment of the chief school administrator should be established by contract, and should provide for the following:
  - 1. Defined goals and objectives agreed to by the local school board and the chief school administrator, including goal and objectives to address student achievement in the school district, against which the chief school administrator will be evaluated annually;
  - 2. Additional criteria, including demonstration of leadership skills, upon which the chief school administrator's performance will be evaluated;
  - 3. Annual evaluation of the performance of the chief school administrator and agreement between the parties of the annual compensation paid to the chief school administrator, including salary and benefits. The annual compensation shall be established by the progress made toward the

achievement of the stated goals and objectives of the school district and any additional criteria agreed to by the parties; and

4. A provision for termination of the contract by either party, including the term of notice to be provided by the party terminating the contract, reasons for termination of the contract, a statement of the chief school administrator's obligation to mitigate his/her damages and limits on the financial liability of the district. *[Authority: DA 11/03-ER (A), DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*
- B. **The NJSBA believes** New Jersey's current certification process for chief school administrators as applied to in-state candidates is generally appropriate and valid. The Association also believes that practicing out-of-state chief school administrators should become licensed in New Jersey if they hold a master's degree in any subject area; have at least five years of successful experience as a chief school administrator; receive training in New Jersey school finance and law. Additionally, the NJSBA believes that out-of-state chief school administrators should not be required to take the licensing test required for new, inexperienced administrators, nor should they have to undergo the required residency program. *[Authority: BD 9/99]*
- C. **The NJSBA believes** retired chief school administrators should be permitted to work on a consultant basis for one year – with no requirement to make new pension contributions and without the cessation of payments from the pension plan. *[Authority: BD 9/99]*
- D. **The NJSBA believes** in the establishment of executive skills training programs for school administrators at institutions of higher education or through professional development. *[Authority: BD 9/99]*
- E. **The NJSBA believes** that local school boards and the chief school administrator should (1) identify classroom educators who may have aptitude for administrative positions and (2) encourage these educators to consider taking this career path. *[Authority: BD 9/99]*
- F. **The NJSBA believes** that state support and adequate funding should be provided for pilot programs in New Jersey districts which address the organizational and managerial factors associated with effective schools, including models of shared leadership to allow staff to take on new roles in administration, enhance recruitment opportunities and promote creative strategies to share leadership. *[Authority: BD 9/99, DA 11/03-ER(A)]*
- G. **The NJSBA believes** that the board that learns of a vacancy in the position of the chief school administrator should have the authority to hire the new chief school administrator. *[Authority: BD 11/03-ER(A)]*
- H. **The NJSBA believes** that reducing the time within which a board must give notice of non-renewal of the CSA contract is in the best interest of districts. *[Authority: DA 11/03-3, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

Chief School Administrator Salary Caps

- A. **The NJSBA believes** that hiring the chief school administrator is one of the most critical board responsibilities and that the authority to select the most appropriate and suitable candidate should continue to rest with the local board of education.
- B. **In support of this belief**, NJSBA staff will conduct a study to evaluate the impact of caps on chief school administrators' salaries on the recruitment, hiring, and retention in this position, and report back to the November 2013 Delegate Assembly with any recommendations for policy revisions, if necessary, and appropriate action. *[Authority: DA 5/13-2]*

**Cross References:** 2130 Administrative staff  
4111 Recruitment, selection, hiring

Key Words: chief school administrator, superintendent, principal

## POSITIONS AND POLICIES ON EDUCATION

Action Planning for New Jersey Quality Single  
Accountability Continuum (NJQSAC)/T&E Certification

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2255

### State and Local Responsibility for NJQSAC /T&E Planning and Implementation

- A. **The NJSBA believes** that the Legislature intended the State to determine the broad goals of education (i.e., goals that are commonly considered essential for all students to achieve in order for them to function politically, socially and economically in a democratic society) and to monitor and evaluate local districts to determine whether they are making sufficient progress toward achieving those goals.
- B. **The NJSBA believes** that the Legislature intended to require local districts to set their own specific goals, consistent with the State goals and with maximum public participation, and to be accountable for achieving those goals.
- C. **The NJSBA believes** that only if local district progress in achieving those goals is insufficient should the State become involved in how districts educate their children, direct corrective action or utilize enforcement provisions of applicable law. *[Authority: DA 10/78-CR (High School Graduation Requirements); 12/91-CR (QEA); DA 6/93; DA 5/97-CR (School Finance); DA 5/00-1]*
- D. **The NJSBA believes** that, if local district progress in achieving those goals is insufficient, State monitoring should be implemented by a clear guide which is completed sufficiently prior to enforcement to allow effective district planning, which is promulgated with full public review and State Board of Education approval and which includes, but is not limited to:
1. an understandable description and an itemized and reasonable timetable for State Department of Education responsibilities; and
  2. substantially detailed requirements made of local districts within the parameters of applicable statute and code which do not create an undue burden on local districts in terms of, at a minimum, additional, unnecessary paperwork. *[Authority: DA 6/77-Policy Recs.1 and 2; DA 1/79-15; 6/83; DA 6/93; DA 6/93-SR; DA 5/97-CR (School Finance)]*
- E. **The NJSBA believes** that it is the responsibility of the State to see that the resources necessary to achieve goals are available and used efficiently. *[Authority: DA 10/78-CR (High School Graduation Requirements); 12/91-CR (QEA); DA 6/93; DA 5/97-CR (School Finance); DA 5/00-1, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*

### Equivalency and Waiver Code

**The NJSBA believes** that the State Board of Education should provide the Commissioner of Education with the regulatory flexibility to assist boards of education in providing an effective and efficient educational program through an equivalency and waiver process *[Authority: DA 11/99-1, DA 5/01-SR, DA 5/06-SR, DA 5/11-SR]*.

### State Monitoring of School Districts

**The NJSBA believes** the state should regularly monitor school districts' progress towards achieving their established goals, objectives and standards. This assessment should include a comprehensive school visitation and evaluation. *[Authority: DA 6/77-Policy Rec. 3; DA 6/93-SR; DA 11/97-SR, DA 5/01-SR, DA 11/01-SR, DA 11/02-SR, DA 5/06-SR, DA 5/11-SR]*

**Cross References:**

1430	State and national units
2240	Research, evaluation and planning
6146	Graduation requirements
6147	Standards of proficiency
6171.4	Special education

Key Words: T & E, monitoring, equivalency and waiver, New Jersey Quality Single Accountability Continuum (NJQSAC)

Timelines for School Budget Process

- A. **The NJSBA believes** that the development of school district budgets is a time intensive process, which requires that the state provide budget parameters and state aid figures in a timely fashion.
- B. **The NJSBA believes** that the Department of Education should annually issue a two-year school election budget calendar. *[Authority: DA 5/96-CR (School Finance), BD 5/06]*
- C. **The NJSBA believes** that the Commissioner of Education should notify school districts of their state aid entitlements by the statutory date of notification. The Association supports continued adherence to the statutory requirement that the Commissioner deliver state aid figures, within two days of the Governor's budget message;
- D. **The NJSBA believes** that local boards should submit budgets to executive county superintendents in a time frame consistent with the release of school aid figures;
- E. **The NJSBA believes** that the time period between the executive county superintendent's approval of the tentative budget and the earliest public hearing date should be a minimum of two days;
- F. **The NJSBA believes** that a minimum of one public hearing should be required on the budget even where the budget would not be required to be sent to the voters for approval;
- G. **The NJSBA believes** that pre-hearing advertising of the school budget prior to obtaining executive county superintendent approval should be permitted, provided that the advertisement contains the caveat that the advertised budget was subject to the review and approval of the Executive county superintendent and, therefore, subject to change;
- H. **The NJSBA believes** that time limitations should be placed upon all steps in the restoration of reductions application process, up to and including the State Board of Education;
- I. **The NJSBA believes** that if a municipal governing body fails to render a decision on a defeated budget within the given time period, it shall be assumed that the municipal governing body has lost its right to cut the budget;
- J. **The NJSBA believes** there should be an enforcement mechanism to compel adherence to time limitations by all parties;
- K. **The NJSBA believes** that decisions in a restoration of reductions application should be based upon a full year, with no reductions for restorations made after the start of the school year;
- L. **The NJSBA believes** that all appropriate changes should be made in all other types of school districts similar to those sought for Type II districts; and,
- M. **The NJSBA believes** that the school tax levy should be certified to the County Board of Taxation by the fourth Tuesday in May. *[Authority: DA 12/75-1, DA 10/78-CR (Budget Statutes), BD 10/79, DA 6/82-3, DA 12/82-15, DA 6/83-1, DA 6/84-CR (Minimum Aid), DA 6/89-CR (Budget Calendar), DA 5/96-CR (School Finance)]*
- N. **The NJSBA believes** that receiving districts should be required to provide sending districts with figures for the actual costs per pupil used to determine rates by December 15 of the next school year following the one in which the tuition rate applies. *[Authority: DA 1/80-7]*

- O. **The NJSBA believes** there should be measures to ensure delivery of all budget materials, including the State Budget Software, in its entirety, within two days of the Governor's budget message. Failure of the state to meet the two-day requirement would result in an appropriate extension of the school districts' filing requirement. *[Authority: DA 11/00-12]*
- P. **The NJSBA believes** there should be measures for county vocational school districts to provide for final board of school estimate action before the statutory deadline for adoption of the county budget by the board of chosen freeholders. *[Authority: DA 6/84-5, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

### Accounts

**The NJSBA believes** that all districts have the right to hold and use unreserved general fund balance in whatever amounts they deem without penalty. *[Authority: BD 11/74, DA 12/74-4, DA 12/82-12, DA 6/87-14, DA 6/91-CR QEA, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

### Budget Caps/Spending Growth Limitations

- A. **The NJSBA believes** in the concept of budget caps/spending growth limitations and believes budget caps/spending growth limitations should be made more responsive to what is actually happening in the economy while at the same time permitting districts to keep pace with increases in fixed costs over which they have little control.
- B. **The NJSBA believes** that the range of budget caps/spending growth limitations should be widened, with low spending districts permitted to increase their spending at a greater rate than under the present cap/spending growth limitation. *[Authority: DA 12/76-13, DA 6/77-Policy Rec. 4, DA 12/77-7b, DA 12/77-16, DA 6/86-10, DA 6/91-CR QEA, DA 6/93-1, DA 6/93-2]*
- C. **The NJSBA believes** that lease-purchase agreements over five years should not be subject to cap/spending growth limitation waivers. *[Authority: DA 5/97-CR (School Finance)]*
- D. **The NJSBA believes** that no school district should have its maximum permissible budget negatively impacted in subsequent years by adopting a budget which is less than its maximum permissible budget. Maximum permissible budgets in subsequent years should be determined as if the district had budgeted at its maximum permissible budget in the pre-budget year. *[Authority: DA 6/93-1 DA 11/01-SR, DA 11/06-SR]*
- E. **The NJSBA believes** that the following should be excluded from the budget caps/spending growth limitations:
1. State mandated programs, such as special education, bilingual education, at-risk, school lunch programs and transportation from the cap/spending growth limitations; Limitations should include only revenues necessary for regular education programs;
  2. Revenues necessary due to increases in fixed costs which are due solely to actions of state or federal regulatory agencies;
  3. Revenues necessary due to non-discretionary increases in costs for those fixed or essential items such as heat, tuition, insurance, maintenance and repair, shall be authorized as appropriate expenditures above the maximum permissible budget; *[Authority: DA 12/76-13, DA 6/77-Policy Rec. 4, DA 12/77-7b, DA 12/77-16, DA 6/86-10, DA 6/91-CR QEA, DA 6/93-1, DA 6/93-2]*
- F. **The NJSBA believes** that a Commissioner's ruling that a district's program does not meet its T&E goals may be made only after a hearing and must be accompanied by a written statement of reasons;

- G. **The NJSBA believes** that the Commissioner should have the authority to grant a cap/spending growth limitation waiver for lease purchase agreements under five years. *[Authority: DA 6/83-3, BD 11/84-CR Extended school Year, DA 6/91-CR QEA]*
- H. **The NJSBA believes** that an explanation of any cap/spending growth limitation waiver should be allowed to be included on the ballot and, in the absence of any administrative solutions to the problem, seek to permit an interpretative statement to be placed on the ballot. *[Authority: DA 12/92-1, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

#### Municipal Approval for Exceeding Budgets

**The NJSBA believes** that Type 1 school districts should be permitted to exceed their budgets without municipal approval up to a level of three percent of the equalized valuations. *[Authority: DA 5/65-8, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

#### Voter Approval of School Budgets

**The NJSBA believes** that there should be no requirement in Type II districts to submit to the voters the Department of Education – approved annual school budget. Boards of education should be able to maintain the option of requesting voter approval for additional locally financed spending characterized under State law as “second questions”. *[Authority: DA 6/91-4, DA 6/93-10, DA 5/96-CR (School Finance), DA 5/99-3, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

#### Defeated Budgets

- A. **The NJSBA believes** that the authority to make school expenditures should rest with the duly elected/appointed board of education, because it is the board of education that has expertise in educational budgeting and programming, has knowledge of the district's needs, and is charged with ensuring a thorough and efficient education for students in New Jersey. *[Authority: DA 6/95-4]*
- B. **The NJSBA believes** in the concept of giving boards of education a full range of options in the manner that all defeated budget questions may be reviewed for the purpose of setting the amount of taxes to be raised -- initially to the municipal body with subsequent review by the commissioner; directly to the commissioner of education; bypassing the local governing body; or allowing the defeat to stand, when that is an option. *[Authority: DA 11/98-4]*
- C. **The NJSBA believes** that neither a governing body nor its officials should have a line-item veto over school budgets. *[Authority: DA 6/95-4]*
- D. **The NJSBA believes** that a simple majority of the total governing bodies comprising a regional school district shall be sufficient to establish the tax levy to be certified to the county board of taxation for a regional school district budget which has been defeated by the voters. *[Authority: DA 12/80-5, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

#### Penalty Procedures

**NJSBA believes** that any penalty imposed on local districts should have codification of all aspects of the review and appeal process. The codification shall be consistent with NJSBA's Timelines for School Budget Process. *[Authority: DA 5/96-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

#### Protection of Local Control

**NJSBA believes** that local boards of education have the primary responsibility over the receipt of revenues and expenses and will oppose any directives that would compromise that authority and responsibility. *[Authority: DA 6/79-8, DA 6/93-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

Second Ballot Questions

**The NJSBA believes** that only a simple majority (more than 50%) of votes in the affirmative should be required for approval of second ballot questions. *[Authority: DA 5/08-2]*

<b>Cross References:</b>	3000	Concepts and roles in business and noninstructional operations
	3150	Official adoption by voters/board of school estimate
	3151	Appeals
	3210	Local funds
	3220	State funds
	3350	Tuition expense
	3541.1	Transportation routes and services
	4111	Recruitment, selection and hiring – certificated staff
	9112	Elections/appointment

Key Words: budget, calendar, timelines, local control

Application for Restoration of Reductions Timelines

- A. **The NJSBA believes** that applications for restoration of reductions must be concluded by a specific date which is as close to the beginning of the school year as possible and that a mechanism should exist to compel adherence by all entities involved to the established timelines.
- B. **The NJSBA believes** that boards of education should make non-legislative efforts to expedite the application for restoration of reductions process. Boards which have applied for restoration of reductions should seek to obtain their audit reports as early as possible, even before the statutory deadline. Upon receipt of the audit report, boards should approve it as quickly as possible for early submission to the Commissioner of Education. Should early receipt of the audit report not be available, applying boards should minimally have the auditor certify the surplus aspect of the account for submission to the Commissioner of Education. Such early submissions will facilitate timely application for restoration of reductions decisions.
- C. **The NJSBA believes** that boards should be in contact with their auditor early in the application for restoration of reductions process. A quarterly or semiannual auditing schedule should be considered in order to shorten the auditing time frame at the end of the budgetary year. Such a process would provide the extra benefit of uncovering auditing concerns earlier in the application for restoration of reductions process, giving boards of education an opportunity to rectify same before the end of the fiscal year.
- D. **The NJSBA believes** that all boards of education applying for a restoration of reductions should be required to submit their annual audits on or before October 1; 90 days after the end of the fiscal year instead of the current 120 days. *[Authority: DA 6/95-3; DA 11/95-CR (School Finance); DA 11/96-CR (School Finance); DA 5/97-CR (School Finance)]*
- E. **The NJSBA believes** that the Commissioner of Education should be required to rule on all applications for restoration of reductions prior to November 1 of the fiscal year for which the application was made.
- F. **The NJSBA believes** that if the Commissioner of Education does not issue an application for restoration of reductions decision by November 1 of the fiscal year from which the application was made, all budgetary reductions applied for restoration be restored to the local district. *[Authority: DA 6/78-18; 6/93-SR; DA 6/95-3; DA 11/95-CR (School Finance); DA 5/96-SR; DA 11/96-CR (School Finance); DA 5/97-CR (School Finance), 11/01-SR, 11/06-SR, DA 11/11-SR]*

**Cross References:** 3100 Budget planning, preparation and adoption  
3150 Official adoption by voters/board of estimate

Key Words: budget, reductions restorations

State School Finance System

- A. **The NJSBA believes** that New Jersey’s system of financing public schools should enable all local school districts to provide an equal educational opportunity for all children in New Jersey to receive a thorough and efficient education.
- B. **The NJSBA believes** that New Jersey’s school finance system should:
1. Define the elements of and the resources necessary to provide a thorough and efficient education;
  2. Provide funds to support and guarantee a thorough and efficient level of education to all public school children;
  3. Provide that all constituents of the state—individuals, businesses and communities—be required to pay a fair share, but that no one would be required to pay more than a fair share;
  4. Retain the principle that local school boards have the primary responsibility, with the assistance of the state, for ensuring that each child in the district obtains a thorough and efficient education, and permit a limited degree of local spending to fund a locally defined thorough and efficient education, with the state paying a share on an equalized basis;
  5. Recognize the diversity, unique circumstances and community composition of each local school district;
  6. Provide for equalized aid for capital expenditures and debt service, based on individual districts’ ability to pay as defined by the School Funding Reform Act or its successor;
  7. Provide state aid based on predictable statutory formulas which is predictable, transparent and capable of being re-calculated at the local district level;
  8. Provide current-year funding of all state aid;
  9. Provide state aid for the full excess cost of all mandated special education programs and services;
  10. Provide state funding for the full cost of all state mandates;
  11. Include a system of evaluation to ensure accountability in the allocation of state aid;
  12. Promote efficiency in the use of tax dollars; and recognize that the geographically adjusted average of expenditures by school district that have demonstrated an ability to provide a thorough and efficient education based on agreed-upon outcomes is an appropriate benchmark for the funds needed by every district to provide a thorough and efficient education;
  13. Be modified, as needed, through a comprehensive approach with input from NJSBA members;
  14. Provide all public school students in New Jersey districts with fiscal equity.
  15. Reward districts and schools that meet ambitious learning goals, prioritize resources, model fairness, transparency, predictability and equity, decrease achievement gaps and provide the opportunity for the development of local educators to manage resources effectively as needed.
  16. Be sensitive to legitimate variations in school districts’ capabilities to meet student needs, including, but not limited to, proficiency levels, demographics, socioeconomic status, geographical location and physical abilities.
  17. Provide full funding for state-initiated programs designed to promote innovation and that the level of participation in such programs should be determined by the local school district. *[Authority: DA 12/81-CR (Urban Education), DA 6/84-3, DA 42 6/85-CR (Proficiency Test), DA 12/91-CR (QEA), DA 6/93-2, BD 11/74 (Deleted as 3221.06- DA 6/93-SR), DA 12/76-15 (Deleted as 8211.3- DA 6/93-SR), DA 6/95-6, DA 11/95-CR School Finance, DA 5/96-CR (School Finance).DA 12/82-15. DA 11/96-CR (School Finance), DA 5/97-CR (School Finance), DA 11/01-SR, DA 11/06-CR (Ad Hoc School Funding Reform Committee), DA 11/06-SR DA 11/11-CR (Ad-Hoc School Finance Committee), DA 5/14 (Special Education Task Force), DA 5/14-1]*
- C. **The NJSBA believes** that the School Finance Committee should, as needed or as requested by the NJSBA Board of Directors, review the equity of distribution for construction state aid in view of socio-economic factors, wealth, geographic characteristics, equalized school tax rate and other financial

conditions. *[Authority: DA 5/00-6, DA 11/00- CR (School Finance), DA 5/01-CR (School Finance), DA 11/01-SR, DA 11/06-SR), DA 11/11-CR (Ad-Hoc School Finance Committee)]*

### State Revenue Raising System

- A. **The NJSBA believes** that the state revenue raising system should embody the following characteristics:
1. Guarantee sufficient revenues to consistently meet the state's constitutional and statutory funding obligations to school districts;
  2. Be balanced with respect to the ability to expand and contract in response to economic conditions (elasticity) and the capacity to produce a stable flow of revenue (stability);
  3. Be balanced with respect to sources of revenue (individuals, businesses, property, sales, etc.);
  4. Be designed to consider both an individual's and community's ability to pay. *[Authority: DA 9/82-1, DA 5/96-CR (School Finance), DA 11/96-CR (School Finance), DA 5/97-CR (School Finance)]*
- B. **The NJSBA believes** that the state should pay 50 percent of the statewide total cost of providing a thorough and efficient education for all public elementary and secondary students so that pressures on local property taxes can be relieved. *[Authority: DA 12/91-CR QEA, DA 5/96-CR (School Finance)]*
- C. **The NJSBA believes** that for the State to fund a thorough and efficient education at the 50 percent level, requires the state to rebalance the state's current funding sources: the income tax and the local property tax. *[Authority: DA 11/98-CR (School Finance), DA 11/11-CR (Ad-Hoc School Finance Committee)]*
- D. **The NJSBA believes** in a grass-roots support effort for the proposed funding alternatives to reduce overreliance on property taxes and to demonstrate to the Governor and the Legislature that the voters and property taxpayers will support funding for schools if it is provided in an equitable fashion. *[Authority: DA 11/98-CR (School Finance), DA 11/01-SR, DA 11/06-SR), DA 11/11-CR (Ad-Hoc School Finance Committee)]*
- E. **The NJSBA believes** that the State should explore predictable and dedicated alternative methods of special education funding, including but not limited to, lottery, business fees, insurance and grants. *[Authority: DA 5/14 (Special Educational Task Force)]*

### State Aid to School Districts

- A. **The NJSBA believes** in an equitable distribution of education aid and related support payments which ensure that all school districts have an opportunity to benefit from governmental financial assistance.
- B. **The NJSBA believes** that as long as aggregate-income is used as a measure of local ability to pay for school costs, school districts and municipalities should have the benefit of a formal appeal process to challenge the assignment of income, similar to the formal appeal process available to challenge property values assigned to a municipality. *[Authority: DA 11/99-CR (School Finance)]*
- C. **The NJSBA believes** that when a new governor takes office, school districts should receive at least as much state aid as they received in the prior fiscal year and that upward aid adjustments should be made to compensate districts for increased costs in areas including but not limited to, student enrollment, special education, transportation, insurance, health care and utilities. The State shall not take a school district's allowable accrued surplus by reducing the district's aid in the amount of the surplus. *[Authority: DA 5/96-CR (School Finance), BD 3/02, DA 11/11-CR (Ad-Hoc School Finance Committee)]*
- D. **The NJSBA believes** that local school districts educating the children who reside in state tax-exempt properties should not be adversely impacted in bearing the local cost of education for those students. NJSBA supports seeking aid from the state to fully fund the education of such students. *[Authority: DA 11/01-SR, DA 11/05-2, DA 11/06-SR, DA 11/11-CR (Ad-Hoc School Finance Committee)]*

Fiscal Notes on Proposed Legislation

**The NJSBA believes** that every piece of proposed legislation affecting school districts should contain a note stating the financial impact on school districts, if any. *[Authority: DA 5/67-8, DA 12/77-16, DA 11/96-CR (School Finance), DA 5/97-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

Constitutional Convention

- A. **The NJSBA believes** that convening a constitutional convention to address property tax relief and/or reform abdicates the legislature's constitutionally enumerated obligation to impose taxes. *[Authority: DA 5/05-4]*
- B. **The NJSBA believes** that the legislature is the appropriate body to decide how to implement tax reform and that a special session of the legislature is the correct and most efficient alternative to address property tax reform. *[Authority: DA 5/05-4, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

Council on Local Mandates

**The NJSBA believes** that additional mandates imposed on local boards of education should have an identified funding source or appropriation. All enacted legislation affecting education should be forwarded to the Council on Local Mandates for review. The Council should be authorized to initiate proceedings and rule on unfunded mandates without the need for local districts to file costly complaints. In the absence of the Council on Local Mandates timely review of education legislation containing unfunded mandates, the NJSBA shall seek Board of Directors approval to initiate and file a complaint with the Council on behalf of all the local boards of education in New Jersey. *[Authority: DA 5/12-2]*

<b>Cross References:</b>	3000	Concepts and roles in business and noninstructional operations
	3100	Budget planning, preparation and adoption
	3210	Local funds
	3230	Federal funds
	3350	Tuition expense
	3350	Tuition expense
	5119	Transfers
	6141.1	Experimental/innovative programs
	6142.2	English as a second language; bilingual/bicultural
	6147	Standards of proficiency
	6171.3	Economically disadvantaged and Title 1
	6171.4	Special education
	6174	Summer school
	6200	Adult/community education
	9112	Elections/appointment

Key Words: finance, revenue, state aid, funding, convention, mandates

## POSITIONS AND POLICIES ON EDUCATION

Tuition Income

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FILE CODE

3240

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### Tuition Formula/ Debt Service

**The NJSBA believes** that a fair distribution of debt in a sending-receiving relationship requires that a sending district pay only that portion of the interest on the debt service that pertains to buildings in which a tuition program is located and buildings in which a tuition program could be offered to students of the sending district. *[Authority: DA 6/87-4, DA 5/96-SR, DA 11/96-CR (School Finance), DA 11/98-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

### Sending-Receiving Tuition Increases

**The NJSBA believes** that the state should assume the costs for any increases in sending-receiving tuition caused by changes in the funding formula or its application that are not under the control of sending or receiving boards of education, until local boards of education have the opportunity to include the cost of such activity in a complete budget planning cycle. *[Authority: DA 11/98-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

<b>Cross References:</b>	3100	Budget planning, preparation and adoption
	3210	Local funds
	3220	State funds
	3230	Federal funds
	3324.1	Contracts
	5118	Nonresidents
	6130	Organizational plan
	6140	Curriculum adoption
	9300	Governance

Key Words: tuition, sending-receiving

## POSITIONS AND POLICIES ON EDUCATION

Accounts

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FILE CODE

3400

### Double Entry Accounting System

**The NJSBA believes** that sound fiscal practices are the responsibility of every public school district and that the use of generally accepted accounting principles (GAAP) leads to sound management of the funds entrusted to boards of education. *[Authority: DA 6/83-12; DA 5/96-SR; 11/96-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*

**Cross Reference:** 3320 Purchasing procedures

Key Words: accounting, GAAP

Local District Inservice Programs

- A. **The NJSBA believes** that inservice programs are an integral and important aspect of staff development and that local districts should provide inservice opportunities designed to address a variety of issues, including: identified district-wide, building-level and teachers' needs as well as instructional principles and effective classroom skills that can assist teachers at all stages of their careers.
  
- B. **The NJSBA believes** that local boards should provide time and resources needed to plan and deliver effective indistrict programs, including the allocation of funds to building principals to support identified building-level improvements needs. *[Authority: DA 12/82-CR (Urban Education), BD 11/84-CR (Extended School Year), DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR]*

Professional Development Programs

**The NJSBA believes** that policies regarding professional development, including staff attendance at conferences, workshops and conventions, should be locally negotiated. The provision of paid leave or any reimbursement to attend professional development programs should also be determined locally and not dictated by State statute. *[Authority: DA 5/14-2]*

**Cross References:**    4116      Evaluation  
                              4131      Staff development  
                              6171.4    Special education

Key Words: inservice, staff development

## POSITIONS AND POLICIES ON EDUCATION

### Salary Checks and Deductions

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FILE CODE

4142

#### Agency Shop and Mandatory Dues Deduction

**The NJSBA believes** that employees who choose not to become members of the majority representative organization should not be required to pay an agency shop fee or any system of mandatory dues deduction. *[Authority: DA 10/78-CR (PERC), DA 6/93-SR, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR]*

#### Opposition to PAC Deductions

**The NJSBA believes** that a requirement authorizing employees to use a dues check-off system to deduct voluntary political contributions for public employee organizations' political action committees is an inappropriate statutory benefit for public employees and should not be authorized by law. *[Authority: DA 6/77-18, DA 10/78-CR (PERC), DA 6/93-SR, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR]*

#### Electronic Transfer of Payroll Funds

**The NJSBA believes** that boards should be allowed to expedite the payroll process by using available business technology including the wire transfer of payroll funds. *[Authority: DA 12/84-8; DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR]*

**Cross Reference:** 4140 Compensation and related benefits

Key Words: agency shop, mandatory dues, PAC, payroll

## POSITIONS AND POLICIES ON EDUCATION

### School Attendance Areas

FILE CODE

5117

#### School Choice

- A. **The NJSBA believes** in local determination of school choice within the public schools. Options could include choice among schools in the district (intradistrict choice), including charter or magnet schools, or could extend to schools in other districts (interdistrict choice) when the school board has established a mutually agreeable contract with other school districts.
- B. **The NJSBA believes** that State oversight of school choice should include ensuring compliance with State law in such matters as racial balance. *[Authority: BD 2/89, DA 12/94-9, DA 5/97-SR]*
- C. **The NJSBA believes** that like charter school trustees, charter school founder(s) should be held to the standards of the School Ethics Act (N.J.S.A. 18A:12-21 *et seq.*). *[Authority: DA 5/12-CR (Charter Schools)]*
- D. **The NJSBA believes** a method of sharing information and data among charter schools and sending districts to ensure both best practices and student achievement should be established. *[Authority: DA 5/12-CR (Charter Schools)]*
- E. **The NJSBA believes** that choice and charter schools should be held to the same accountability standards as traditional public schools and that an analysis of the results found in the school report card for both choice and charter schools should be made and compared with the local school district. *[Authority: DA 5/12-CR (Charter Schools)]*
- F. **The NJSBA believes** that the State should permit local districts to accept tuition students while simultaneously participating in the Interdistrict Public School Choice program, where all locally-designated choice seats have already been filled through a neutral selection process. *[Authority: DA 5/16-4(a) and (b)]*

#### Charter School Application Process

- A. **The NJSBA believes** that prior to the formal charter school application being submitted to the state, the local board of education, following a public hearing, should approve or disapprove of the proposed charter school. A denial of a charter school by the board of education may be appealed to the New Jersey Department of Education. In the absence of a process for board of education approval, NJSBA believes local voters or the board of school estimate should have approval rights, prior to the establishment of a charter school, as well as additional steps to incorporate local voter and elected school board opinion into chartering decisions. *[Authority: DA 5/11-ER(A), DA 5/12-CR (Charter Schools)]*
- B. **The NJSBA believes** that there should be no consideration of cyber-charter school applications until such time as the legislature and the New Jersey Department of Education promulgate guidelines for their establishment, administration and funding. *[Authority: DA 5/12-CR (Charter Schools)]*

#### Funding of Charter Schools

- A. **The NJSBA believes** that, upon a roll call majority vote of its full membership, the board of education of a public school district should have the authority to establish and operate charter schools.
- B. **The NJSBA believes** that an entity other than a local board of education should be able to establish and/or operate charter schools only if there is no requirement placed on public school districts to provide financial or other support to the charter schools or their students, and no funds for charter schools or their students shall come from or be funneled through a public school district's budget. *[Authority: DA 5/98-3, 4 and 5, DA 5/02-SR, DA 5/07-SR]*

- C. **The NJSBA believes** that public funds should not be used to fund non-public schools, and opposes the use of public funds for vouchers or tuition tax credits for attendance at private or religious schools.
- D. **The NJSBA believes** that school districts that elect to offer intradistrict or interdistrict school choice programs should suffer no loss in monies and in the rate and method of calculation in governmental educational aid, as a result of their decision to offer choice programs. *[Authority: DA 5/02-1, DA 5/02-SR, DA 5/07-SR]*
- E. **The NJSBA believes** that for purposes of calculating a district's spending on a per-pupil (adequacy) basis the students for whom the sending district provides a transfer payment to a charter school shall be counted as part of the district's enrollment for adequacy spending calculations. NJSBA believes that this will assure that the sending district's per pupil adequacy amount reflects the true budget of the sending district. *[Authority: DA 5/12-CR (Charter Schools)]*
- F. **The NJSBA believes** that a financial impact report should be part of the charter school application process, projecting the economic impact and tax consequences to the district and community over a five year period. This report should take into consideration the cumulative impact of any charter schools already operating within the district. *[Authority: DA 5/12-CR (Charter Schools)]*
- G. **The NJSBA believes** that charter school applications should be prioritized so that districts with failing schools are given first preference. Ultimately statewide criteria should be devised establishing districts' performance as the primary consideration for charter school(s) approval. *[Authority: DA 5/12-CR (Charter Schools)]*
- H. **The NJSBA believes** that the charter school approval process should be consistent with the local district's budget process. An approved charter school should be required to notify the local school board and should document a committed student count to the district no later than January 1<sup>st</sup> of the year it is scheduled to open. *[Authority: DA 5/12-CR (Charter Schools)]*
- I. **The NJSBA believes** that any changes to charter school funding made by the State should be fully funded by the State directly to the charter. *[Authority: DA 11/15-1]*

#### Charter Schools Leaves

- A. **The NJSBA believes** that employees seeking to leave a local school district to work in a charter school should be required to file their formal leave with the local district in a reasonable and appropriate time frame which does not interfere with, or complicate, districts' ability to comply with statutory or regulatory deadlines for the issuance of reemployment contracts to their nontenured employees.
- B. **The NJSBA believes** that local school district employees taking a leave of absence to work in a charter school should be required to wait until the beginning of the next school year, or at any other time that is acceptable to the local district, to return to employment with the local board of education. Employees seeking to return to their local districts should be required to notify their local districts of their intent to return in a reasonable and appropriate time frame which does not interfere with, or complicate, districts' ability to comply with statutory or regulatory deadlines for the issuance of reemployment contracts to their nontenured employees.
- C. **The NJSBA believes** that employees failing to provide notice of their intent to return in the third year of their leave should be deemed to have resigned from their local district. *[Authority: DA 5/01-8, DA 5/02-SR, DA 5/07-SR]*

<b>Cross References:</b> 3220	State funds
4150	Leaves
5020	Role of parents/guardians
5145.4	Equal Educational Opportunity
6142.12	Career education

Key Words: choice, charter, leaves, charter funding, charter applications

## POSITIONS AND POLICIES ON EDUCATION

### Nonresidents

FILE CODE

5118

#### Children in State Facilities

- A. The NJSBA believes that school districts can face significant and disproportionate budgetary impacts caused by the educational costs of students being placed by the state in facilities for which school districts are legally responsible. The state should assume the full costs of educating those pupils placed by the state in state facilities, institutions, or residential settings. *[Authority: DA 11/00-11]*
- B. The NJSBA believes that districts should not be required to make tuition payments for days in which a resident pupil does not actually reside in a state facility, or in any manner be overcharged for those pupils. *[Authority: DA 5/00-3]*
- C. The NJSBA believes that boards of education should be informed by the state facility of the placement of a child and billed for tuition charges incurred in the current school year by the last day of the current budget year. *[Authority: DA 5/00-3]*
- D. The NJSBA believes that unreimbursed education and transportation costs for students placed in facilities by the Division of Youth and Family Services (DYFS) should be paid for by the state. *[Authority: DA 6/86-7, DA 6/88-12, DA 11/97-SR, DA 11/01-SR, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR]*

#### Validating Affidavit Pupils

- A. The NJSBA believes in an expedited hearing process to determine a student's entitlement to a free education where such entitlement is a matter of dispute. *[Authority: DA 5/65-13, DA 12/92-3, DA 11/97-SR]*
- B. The NJSBA believes, if the Commissioner fails to render a decision in a timely fashion, the state should reimburse the cost of tuition to the district and assume the rights of the district against the parents/guardians for tuition reimbursement. *[Authority: DA 5/65-13, DA 12/92-3, DA 11/97-SR, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR]*

#### Admission of Nonresident Students

**The NJSBA believes** that, upon objection by the district of residence, a neighboring district may only admit a non-resident student with the approval of the superintendent of the county in which the student resides. *[Authority: DA 1/80-6, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR]*

#### Homeless Students

**The NJSBA believes** that, for the good of the educational continuity of the homeless student involved, DOE and DHS should minimize the frequent displacements of these students during any school year. *[Authority: DA 12/92-2, DA 11/97-SR, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR]*

#### Proof of Residency

**The NJSBA believes** that students who reside within the boundaries of a school district are entitled to receive a free, thorough and efficient public education. Each school district should be entitled to confirm the residency status of each student using any appropriate and legal method while maintaining respect for each resident's right to privacy. *[Authority: DA 5/09-1]*

**Nonresidents** (continued)

5118

**Cross References:** 3240 Tuition income  
5111 Admission  
5117 School attendance areas  
6171.4 Special education

Key Words: facilities, affidavit, nonresident, homeless

# POSITIONS AND POLICIES ON EDUCATION

## Nonpublic School Pupils

FILE CODE

5200

### State Aid to Nonpublic Schools

- A. **The NJSBA believes** that public funds should not be used for nonpublic schools. *[Authority: DA 12/67-3, DA 12/69-2, DA 5/75-10, DA 12/81-11, DA 12/94-9, DA 11/01-SR, DA 5/97-SR]*
- B. **The NJSBA believes** that there should be a moratorium placed on public funding to nonpublic school children and that statutes mandating aid to nonpublic pupils, including textbook aid, transportation and technology aid and auxiliary services, should be repealed. *[Authority: DA 12/91-CR (QEA), DA 5/97-SR, DA 5/05-2]*
- C. **The NJSBA believes** that until the public funding of nonpublic schools is abolished state aid to nonpublic schools, including textbook, transportation and technology aid, should be directly administered by the Department of Education without involvement by local school districts. *[Authority: DA 5/05-2]*
- D. **The NJSBA believes** that so long as districts are required to administer the flow of public funds to nonpublic schools, districts should be reimbursed for all cost incurred by public schools in connection with the administration of that aid. *[Authority: DA 12/67-3; DA 12/69-2; DA 12/74-1, 2; DA 5/75-10; DA 6/81-8; DA 12/81-11; DA 12/92-CR (Transportation); DA 5/97-SR, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR]*

### Transportation of Nonpublic Students

- A. **The NJSBA believes** that local school districts should not be responsible for the transportation of students to nonpublic schools.
- B. **The NJSBA believes** that so long as districts are required by statute to provide transportation for children attending nonpublic schools, the nonpublic schools should be required to coordinate their transportation needs with the responsible public school districts. *[Authority: DA 12/67-3, DA 12/69-2, DA 6/81-8, DA 12/81-12, DA 12/87-3, DA 12/92-CR (Transportation), DA 5/97-SR]*
- C. **The NJSBA believes** that school districts should be reimbursed for the actual cost of private school aid in lieu of transportation paid to parents. The maximum transportation reimbursement to parents for pupils attending private schools should be limited to the amount authorized for one student, for any two or more students from the same household attending the same private school on common schedules. *[Authority: DA 6/78-17, DA 12/81-12, DA 12/91-4, DA 12/92-CR (Transportation), DA 5/97-SR]*
- D. **The NJSBA believes** that a constituent elementary school district with transportation of its own within a regional high school district without transportation of its own should be allowed to transport nonpublic school students provided all affected parties agree to the arrangement. *[Authority: DA 12/94-16, DA 5/97-SR, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR]*

**Cross References:** 3220 State funds  
3230 Federal funds  
3541 Transportation  
3541.1 Transportation routes and services  
5117 School attendance areas

Key Words: nonpublic, transportation, aid

## POSITIONS AND POLICIES ON EDUCATION

### Career Education

FILE CODE

6142.12

#### Career Education and Awareness

- A. **The NJSBA believes** that local boards of education should place emphasis on career awareness and supports integrating career education throughout the curriculum. *[Authority: DA 12/86- ER(C), DA 11/97-SR]*
- B. **The NJSBA believes** collaborative initiatives at the local and state level by business, labor and educational agencies will enhance career counseling and benefit youth. *[Authority: DA 6/81-CR (Vocational Education), DA 12/82-CR Urban Education, DA 11/97-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

#### Youth Unemployment

**The NJSBA believes** that it is important for the state to monitor the problem of youth unemployment in the state, particularly as it affects minority youth, and to recommend programs and policies to provide work for the state's youth. *[Authority: DA 12/82-CR Urban Education, DA 11/97-SR, DA 11/02- SR, DA 11/07-SR, DA 11/12-SR]*

#### Vocational-Technical Education

- A. **The NJSBA believes** the state should fully fund all approved local vocational education programs. *[Authority: DA 6/81-CR Vocational Education, DA 11/97-SR]*
- B. **The NJSBA believes** in the monitoring and enforcement of vocational-technical education program standards and any new standards should be developed through consultation between vocational education agencies and the state officials responsible for developing these standards. *[Authority: DA 6/81-CR (Vocational Education), DA 11/97-SR]*
- C. **The NJSBA believes** that students should have access to a wide array of programs that promote career awareness and develop workplace readiness skills as well as trade and technical skills for specific career paths. Local boards of education, county vocational school boards of education and representatives from business and industry should work collaboratively to plan and develop and deliver programs that meet the needs of students in the most effective and efficient manner. Local districts should not be required to pay tuition to county vocational and technical high schools for programs which are duplicative and redundant to the programs at the local district. *[Authority: DA 11/97-5, DA 11/02-SR, DA 11/07- SR]*
- D. **The NJSBA believes** that county vocational school boards of education should have the ability to structure their admissions policies in a comprehensive holistic way, of which testing appropriate to the program is a component, but not the sole criteria for admission. The ultimate decision on admission should lie within the discretion of the county vocational school district. *[Authority: DA 5/12-1]*

**Career Education** (continued)

6142.12

- E. **The NJSBA believes** that the state should provide funding and support to local school districts to facilitate the development of career-readiness programs to assist students who are unable to attend county vocational programs, including revisions to the funding formula to reflect the increased per pupil cost for vocational education provided in the local high school. *[Authority: DA 5/12-1, DA 11/07-SR, DA 11/12-SR]*

**Cross References:** 1600.1 School/business partnerships  
3220 State funds  
6146 Graduation requirements  
6147 Standards of proficiency

**Key Words:** career education, unemployment, vocational, funding

IDEA Funding

**The NJSBA believes** that the federal Individuals with Disabilities Education Act (IDEA) should be fully funded at its authorized threshold of 40 percent of the cost of special education. *[Authority: DA 12/80-2, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

Federal and State Funding

- A. **The NJSBA believes** that New Jersey’s system of financing public education should enable all local school districts to provide appropriate public educational opportunities for all of New Jersey’s educationally disabled students without unduly burdening local taxpayers.
- B. **The NJSBA believes** that the State should fund 100 percent of the costs of all required special education services in excess of a district’s regular education per pupil amount. Excess cost funding for special education should be excluded from the spending growth limitation calculation. The State’s excess cost system for State aid for special education should include prior approval procedures and appropriate monitoring.
- C. **The NJSBA believes** that State aid for special education should be calculated on a current year basis.
- D. **The NJSBA believes** that State reimbursement for the actual cost of providing transportation for special education students should be provided on a current year basis.
- E. **The NJSBA believes** that State aid for special education should “follow the student” to whatever school district is required to provide special education services for that student. In the alternative, the school district receiving State aid for special education services for a student shall reimburse the school district providing such services. If State aid for special education cannot “follow the student,” the State should provide the additional funds necessary to provide special education services.
- F. **The NJSBA believes** that the State should provide an emergency interest-free loan fund to which school districts may apply when unanticipated special education costs threaten a district’s ability to provide a T&E education to all of its students.
- G. **The NJSBA believes** that State aid should be available for extended academic year special education programs.
- H. **The NJSBA believes** that the State should provide for a second child count date in the second semester of the school year.
- I. **The NJSBA believes** that the State should provide funding for the identification and provision of programs and services for children with educational disabilities ages 3-5.

- J. **The NJSBA believes** that all New Jersey educationally disabled students should be provided an appropriate public education within New Jersey, and, where possible, within the regular school environment. When residential placements of educationally disabled students are necessary:
1. The State should assume all non-instructional costs for students placed in residential facilities;
  2. A school district's residential placement instructional cost responsibility should be limited to no more than two times the district-wide per pupil costs for the preceding school year;
  3. The State should assume full financial responsibility for the residential costs of court-mandated institutionalizations. *[Authority: DA 12/68-21, DA 12/72-CR (Urban Education), DA 12/72-CR (Special Education), DA 5/73-CR (Special Education), BD 11/74, DA 6/78-20, DA 1/79-10, DA 1/80-23,25, DA 12/81-CR (Urban Education), DA 12/83-17, DA 6/84-12, DA 12/88-5,5A,6, DA 12/90-11, BD 10/91, DA 12/91-3, DA 12/91-CR(QEA), DA 6/92-4, DA 12/94-5, DA 11/97-CR (Special Education), DA 11/99-4, DA 5/00-CR (Joint Committee)]*
- K. **The NJSBA believes** that federal and state law should specifically prohibit any court, administrative body or other entity from requiring a school board or state located within the United States to provide for a child's education, residential cost or the cost of any other service provided outside the United States. *[Authority: DA 11/03-4, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

#### Tuition Costs

- A. **The NJSBA believes** the district responsible for paying the special education costs for pupils placed by the Division of Developmental Disabilities (DDD) in any alternate living arrangement to be the district of residence of the parents or legal guardian until the pupil reaches the age of 21.
- B. **The NJSBA believes** that a school district that receives special education students from another school district should be able to set its tuition rate as accurately as possible, without unnecessary state bureaucratic limitations.
- C. **The NJSBA believes** that public schools should receive fair consideration in determining their special education tuition rates. Private schools for the disabled should have the same tuition rate calculations and procedures and non-allowable costs as do public schools. *[Authority: DA 6/87-13, DA 11/97-CR (Special Education), DA 11/97-SR, DA 5/98-9, DA 5/02-SR, DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

#### Medicaid Reimbursement

**The NJSBA believes** that the Medicaid reimbursement split between the State of New Jersey and local school districts should not be skewed toward the State. *[Authority: DA 12/94-12, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

#### Shared Services

- A. **The NJSBA believes** interagency programming and collaboration should be encouraged to meet the diverse needs of educationally disabled students. Health and other special service agencies should bear the costs of non-education-related services.

- B. **The NJSBA believes** that districts should have the flexibility to contract with each other, intermediate units and private providers in an effort to provide child study team services in the most efficient manner possible. *[Authority: DA 11/95-CR (Shared Services), DA 11/97-CR (Special Education), DA 5/01-SR, DA\_11/02-SR, DA 11/07-SR, DA 11/12-SR]*

#### Teacher Certification and Professional Development

- A. **The NJSBA believes** that, prior to certification, all teachers should complete an appropriate educational program on understanding the nature and needs of students eligible for special education and related services.
- B. **The NJSBA believes** the State should require that teacher preparation programs have, as part of their curriculum, content in adapting curriculum, instruction, and assessment to meet the needs of all learners in the inclusive classroom. Pre-service teachers should have ample opportunity to learn and apply the instructional methods associated with multiple intelligences, multi-sensory instruction, differentiated instruction, intensive instruction, Universal Design for Learning, curriculum-based assessment, and assistive technology. Pre-service teachers should be equipped to establish learning environments that maximize attention and learning through the careful application of positive behavior supports and effective communication. Further, teacher preparation programs for pre-service teachers earning the Pre-Kindergarten through 3<sup>rd</sup> grade or the elementary education (K-6) certifications should include content in teaching students with reading disabilities. *[Authority: DA 5/14 (Special Education Task Force)]*
- C. **The NJSBA believes** that all currently certified teachers should be required, as part of their continuing professional development, to participate in in-service programs related to special education students and programs. *[Authority: DA 12/75-CR (Special Education), DA 11/97-4, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

#### Regulatory Equivalency and Waiver for Special Education Rules and Regulations

**The NJSBA believes** that school districts should have flexibility in meeting special education requirements. Flexibility should be available as either a waiver or equivalency to a specific rule so that school districts can provide effective and efficient special education programs. *[Authority: DA 12/84-A, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

#### Transportation of Special Education Pupils

**The NJSBA believes** that school districts that provide inter-district transportation to educationally disabled children should have the flexibility to solicit bids for that transportation in a manner that is most cost-efficient to the school district, including but not limited to a per pupil, per vehicle or per mileage basis. *[Authority: DA 12/83-15, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

#### Records of Educationally Disabled Students

**The NJSBA believes** that records of educationally disabled students should be maintained, accessed, transferred and destroyed in the same fashion as those of non-disabled students. *[Authority: DA 12/86-8, DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]*

#### Early Identification/Intervention

**The NJSBA believes** that early identification and provision of suitable educational programs for educationally

disabled children, age birth to five, reduces educational deficiencies and permits earlier and easier transfer into the regular classroom setting. [Authority: DA 12/68-21, DA 5/73-CR (Special Education), BD 11/74, DA 6171.4  
**Special Education** (continued)

1/80-25, DA 12/81-CR (Urban Education), DA 6/89-CR (Early Childhood Education), DA 11/97-CR (Special Education), DA 11/02-SR, DA 11/07-SR, DA 11/12-SR]

### Awareness of Needs of Educationally Disabled

**The NJSBA believes** in the importance of increasing awareness of the needs of educationally disabled students and their parents at all levels; state, county and local. [Authority: DA 12/85-CR ESC Study, DA 11/97-CR (Special Education), DA 11/12-SR]

### Parental Involvement

**The NJSBA believes** in the importance of parental involvement. All special education delivery agencies--including local and special purpose school districts, intermediate units and operational arrangements--should establish policies, bylaws, rules or operational guidelines creating advisory councils or other appropriate mechanisms designed to foster parental participation in agency affairs. [Authority: DA 12/85-CR (ESC Study), DA 11/97-CR (Special Education), DA 11/12-SR]

### Interscholastic Competition - Disabled Students

**The NJSBA believes** that the New Jersey State Interscholastic Athletic Association (NJSIAA) is in the best position to determine how to provide interscholastic competition for disabled students on a local, regional and/or statewide basis, consistent with legal mandates of the Americans with Disabilities Act and congruent with the financial restrictions on local school districts. [Authority: DA 12/93-4, DA 11/97-CR (Special Education), DA 11/12-SR]

### Private Schools for Students with Disabilities

**The NJSBA believes** that owners, boards of directors and administrators of Private Schools for Students with Disabilities should be subject to the same standards of accountability as local school board members and chief school administrators including, but not limited to, those standards concerning anti-nepotism, criminal background checks, and filing of School Ethics Act disclosure statements. [Authority: DA 5/14-CR (Special Education)]

<b>Cross References:</b>	1400	Relations between other governmental agencies and the district
	1430	State and national units
	3220	State funds
	3230	Federal funds
	3240	Tuition income
	3324.1	Contracts
	3541.1	Transportation routes and services
	4112.2	Certification
	4131.1	Inservice education/visitations/conferences
	5020	Role of parents/guardians
	5118	Nonresidents
	5125	Pupil records
	5131	Conduct/discipline
	6111	School calendar
	6141.1	Experimental/innovative programs
	6142.12	Career education
	6145.2	Interscholastic competition
	6178	Early childhood education/preschool

Key Words: special education, funding, IDEA, transportation, certification,

## POSITIONS AND POLICIES ON EDUCATION

### Appointment of Treasurer of School Moneys

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FILE CODE

9125

#### Optional Position

- A. **The NJSBA believes** that the employment of a Treasurer of School Moneys should be at the option of the local board of education and that local boards of education should be permitted to hire any qualified individual as the Treasurer of School Moneys provided that individual is not an employee of the district and/or a holder of an elected or appointed position in that district. *[Authority: DA 11/96-7, DA 11/98-SR]*
- B. **The NJSBA believes** that the duties and responsibilities of a Treasurer of School Moneys should be defined by each local board of education. *[Authority: DA 11/96-7, DA 11/98-SR DA 11/03-1, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

**Key Words:** treasurer

## POSITIONS AND POLICIES ON EDUCATION

### Orientation and Training of Board Members

FILE CODE

9200

#### Inservice Training

- A. **The NJSBA believes** that local board members, in order to be effective, should have opportunities to participate in on-going inservice training activities throughout their term of service. Board of education policies should endorse board member attendance at programs designed to improve their knowledge and skill in governing the district and statutorily required board member attendance at an NJSBA Board Member Orientation Conference. *[Authority: 6/91-7: DA 11/98 – SR]*
- B. **The NJSBA believes** that boards of education should provide an orientation program for their new board members regarding district operations. The program should include information about the policies and practices of the local board, as well as providing copies of recent board minutes, negotiated contracts, and committee reports in the public domain. *[Authority: 12/77-CR(Turnover) 11/98-SR]*
- C. **The NJSBA believes** that board members and chief school administrators should have on-going joint training in their roles, responsibilities and ethics, collaborative teamwork, leadership team performance and self-assessment, to enable them to understand their distinct policy-making and administrative roles and how to carry them out successfully. *[Authority: DA 11-03 ER (A)]*
- D. **The NJSBA believes** that school board members should not be singled out for mandated continuing education because they are public officials who perform roles in our public school system which are parallel to those performed by all other state, county, and municipal officials. *[Authority: DA 5/03-SR; DA 11/06-2, DA 5/08, DA 5/13-SR]*
- E. **The NJSBA believes** that board of education members should receive training that includes exposure to the legal, fiscal and programmatic aspects of special education to help promote the achievement of all of the students in their districts. *[Authority: DA 5/14 (Special Education Task Force)]*

#### Preservice Training

- A. **The NJSBA believes** that school board candidates should have access to board candidacy publications.
- B. **The NJSBA believes** that the Association should make preservice training available to board of education candidates, both on the county and regional levels. *[Authority; DA 6/91-7; DA 5/76-CR (Competency); DA 12/92 – SR; 11/98 – SR; DA 5/03-SR, DA 5/08, DA 5/13-SR]*

#### Assistance to State-Operated School Districts

**The NJSBA believes** that it is well-suited to provide assistance to state-operated school districts, including, but not limited to inservice training for members of school boards who are appointed to serve in an advisory capacity in state-operated school districts. *[Authority; BD 3/90; DA 5/03-SR, DA 5/08, DA 5/13-SR]*

**Cross References:** 9111 Elections/appointment

**Keywords:** orientation; training; board members; inservice

## POSITIONS AND POLICIES ON EDUCATION

### Expenses

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FILE CODE

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9250

#### Compensation and Reimbursement

**The NJSBA believes** that board members should remain unpaid, but that as volunteer officials they should not be burdened financially. Board policies should allow board member reimbursement for expenses incurred for board member training, travel or other legitimate expenditures. *[Authority: DA 5/59-5, 6, DA5/76-CR (Competency) DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

#### Travel Reimbursement Regulations

**The NJSBA believes** that regulations governing travel and related reimbursable expenditures provide accountability to the public; and such regulations should be identical for all districts. *[Authority: DA 5/06-1, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

**Cross References:** 9270 Conflict of interest  
9271 Code of ethics

**Key Words:** expenses, reimbursement

## POSITIONS AND POLICIES ON EDUCATION

### Conflict of Interest

FILE CODE

9270

#### Conflict of Interest

- A. **The NJSBA believes** that board members and school administrators should be precluded from participation in the collective negotiation process when they have immediate family members employed in the district in the bargaining unit in question.
- B. **The NJSBA believes** that board members and school administrators should be authorized to fully participate in the collective negotiation process where their conflict is limited to an out-of-district union affiliation. *[Authority: DA 12/94-1, DA 11/98-SR]*
- C. **The NJSBA believes** that the position of teacher and member of the board of education in the same school district are incompatible and represent intolerable potential conflicts of interest. District employment of board members should be prohibited unless the member resigns or ceases to be a member 6 months prior to accepting such employment. *[Authority: DA 5/59-5, 6, DA 12/92-SR, DA 11/98-SR]*
- D. **The NJSBA believes** that an employee of a board of education should not be permitted to hold the position of mayor, chief executive officer or member of the governing body in the same municipality. *[Authority: DA 6/81-1, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

#### Nepotism

- A. **The NJSBA believes** that the School Ethics Act, including the Code of Ethics for School Board Members, as well as related policy models in the Association's Critical Policy Reference Manual provide sufficient guidance to prevent nepotism and conflicts of interests in board hiring decisions.
- B. **The NJSBA believes** that any regulations governing nepotism should be adopted pursuant to the Administrative Procedures Act and should be identical for all districts. *[Authority: DA 5/07-1, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

#### Doctrine of Necessity

**The NJSBA believes** the Doctrine of Necessity is a vital tool to be used by boards of education when needed. The use of the Doctrine of Necessity should be permitted when a board is searching for and selecting a new superintendent. *[Authority: DA 11/14-3]*

**Cross References:**

1410	Local units
4135.3	Negotiations
9140	Board Representatives
9250	Expenses
9271	Code of ethics

**Key Words:** conflict, nepotism, Abbott

Board Member Ethics

**The NJSBA believes** that it is necessary and desirable to set forth a guide to conflict of interest situations and unethical activity for board members and suggests the following Code of Ethics for adoption by individual boards:

**A CODE OF ETHICS FOR SCHOOL BOARD MEMBERS**

1. I will uphold and enforce all laws, state board rules and regulations, and court orders pertaining to schools. Desired changes should be brought about only through legal and ethical procedures.
2. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools which meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.
3. I will confine my board action to policymaking, planning, and appraisal and I will help to frame policies and plans only after the board has consulted those who will be affected by them.
4. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.
5. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action which may compromise the board.
6. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.
7. I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. But in all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.
8. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.
9. I will support and protect school personnel in proper performance of their duties.
10. I will refer all complaints to the chief administrative officer and will act on such complaints at public meetings only after failure of an administrative solution. *[Authority: BD 2/71, DA 5/75-CR Ethics, BD 6/85, DA 5/97-7, 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

Penalty for Violation of Ethics Code

**The NJSBA believes** that the School Ethics Commission should be authorized to reprimand, censure or remove a board member for any violation of NJSBA's Code of Ethics for School Board Members. The rights of the accused board member should be balanced with the board's need for an orderly and efficient operation and shall include an expedited hearing process before the School Ethics Commission to ensure a decision within 60 days of receipt of notice of violation; indemnification for the accused board member for civil, administrative, criminal or quasi-criminal or other legal action for any act or omission arising out of and in the course of the performance of the accused board member's duties as a member of the board of education. The burden of proof should be placed on the accusing party, whether an individual or the board of education, to factually establish a violation of NJSBA's Code of Ethics. *[Authority: DA 5/75-CR Ethics, DA 5/97-7, DA 11/98-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

School Ethics Committee Advisory Opinions

**The NJSBA believes** the statutory language of *N.J.S.A. 18A:12-31* should be revised so that all ethics advisory opinions should be made public, unless the school official whose proposed conduct is the subject of the advisory opinion seeks to keep it private. *[Authority: DA 11/14-1]*

**Cross References:** 3530 Insurance management  
9114 Resignation/removal from office  
9250 Expenses  
9270 Conflict of interest

**Key Words:** code of ethics, indemnification

### Articulation of Curriculum in Sending-Receiving Districts

**The NJSBA believes** that to ensure that students are provided with the best opportunity to succeed under the core curriculum standards, the core curriculum code should require sending and receiving districts to demonstrate how they are articulating their curriculum to maximize student success. *[Authority: DA 11/98-CR (School Finance) DA 11/98-SR, DA 11/02-SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

### Contractual Relationship

- A. **The NJSBA believes** that all sending and receiving relationships should operate under the terms of a negotiated contract of at least three-five years. The contract should outline the parameters for the operation of an existing sending-receiving relationship in a formal, negotiated agreement. Districts that currently operate a sending-receiving relationship without a term-specific contract should be required to negotiate such a contract within two years of the effective date of enabling legislation. Districts currently operating under a fixed-term contract would continue to the end of their current contractual term. *[Authority: DA 11/98-CR (School Finance)]*
- B. **The NJSBA believes** that the termination of a sending-receiving relationship between school districts where the contract term has expired, one year's notice is given and the sending district has an appropriate educational alternative equal to or better than the existing educational program for its students should be permitted. *[Authority: DA 6/86-18, DA 6/88-16, DA 6/89-CR Sending to Level III Districts DA 11/98-CR (School Finance)]*
- C. **The NJSBA believes** that a receiving district's being placed at Level III of the monitoring process should not act as a triggering mechanism for severance of a sending-receiving relationship. Rather, it is but one component that should be considered by the Commissioner in making an assessment as to the quality of education being received by the sending district's students. *[Authority: DA 6/89-CR Sending to Level III Districts, DA 11/98 SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

### Sending-Receiving Students

**The NJSBA believes** in sending-receiving circumstances that involve the use of discretion on the part of either board of education, decisions should be based on the best interests of students -- both in the sending district and in the receiving district. To this end, each community needs to be involved in discussions between the sending and receiving boards at all levels. *[Authority: DA 11/98-CR (School Finance), DA 11/98 SR, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

### Apportionment of Pupils Among High Schools

**The NJSBA believes** that the apportionment of pupils from sending districts among two or more high schools should be mutually determined by each of the districts involved. *[Authority: DA 6/84-CR Sending-Receiving, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

### Dispute Resolution Process

- A. **The NJSBA believes** that the State Board of Education's Administrative Code should include a dispute resolution process for issues that cannot be resolved between sending and receiving boards of education that includes the following steps: a local negotiation process, including meetings between administration, board of education and community members; when local negotiations fail, a county-office based mediation process; and when all else fails, require the districts to enter into binding arbitration. *[Authority: DA 11/98-CR (School Finance)]*

- B. **The NJSBA believes** that in the case of petitions from sending-receiving districts seeking conflict resolution, the State Board of Education, rather than the Commissioner, should be the next level of review for Initial Decisions of Administrative Law Judges. *[Authority: DA 6/84-CR Sending-Receiving, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

### Sending-Receiving Handbook

**The NJSBA believes** that a sending-receiving best practices handbook can assist both sending and receiving districts in their joint effort to provide an effective, articulated educational program based on the core curriculum standards adopted by the State Board of Education. *[Authority: DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

### Availability of Receiving District Information

- A. **The NJSBA believes** sending-receiving districts should establish meaningful communication, which would include but not be limited to: periodic re-evaluation of the sending-receiving relationship by a neutral party; full utilization of NJSBA resources; and regularly scheduled meetings between the boards and administrative staff of the districts involved in the relationship.
- B. **The NJSBA believes** all information pertaining to the operation of the receiving district should be readily available to a sending district, including, but not limited to: a copy of the budget submitted to the county superintendent; board minutes; curriculum guides; district goals and objectives; audits; the master plan; and Middle States and monitoring reports. *[Authority: DA 6/84-CR Sending-Receiving, DA 6/89-CR Sending to Level III Districts, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

### Sending-Receiving Tuition and Budget Development

**The NJSBA believes** that there should be effective procedures and practices for addressing tuition and budget development in sending-receiving relationships to include:

- Allowing sending and receiving boards of education to make budgetary provisions for abrupt shifts in tuition costs so that programmatic cuts do not have to be made in order to accommodate tuition increases;
- A tuition reserve account outside the district's spending cap;
- Permitting districts to restrict fund balance for anticipated adjustments in tuition outside the excess fund balance calculation;
- Instituting budgetary procedures so that large tuition increases are spread over several years;
- Adjusting the tuition notification calendar to more closely reflect the current budget process so that tuition can be more accurately estimated: move the January 15 tuition notification date (to sending district) to February 15; move the December 15 enrollment notification date (to receiving district) to January 15; allow more time between the time of notification of state aid figures and budget adoption. *[Authority: DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

### Sending-Receiving Tuition Increases

- A. **The NJSBA believes** that year-over-year per pupil tuition increases levied by receiving districts and schools have adversely impacted tuition-paying districts' ability to provide effective educational programs in their districts.

The NJSBA recognizes that year-over-year per pupil tuition increases levied by receiving districts and schools have forced some tuition-paying districts to seek voter approval for tax increases well in excess of

the 2% cap on the tax levy contravening the intention of P.L. 2010, c.44 and imposing a severe burden on their

**Governance** (continued)

9300

taxpayers in the event of an affirmative vote and placing the districts' programs at risk in the event of a negative vote.

- B. **The NJSBA believes** there should be a statutory cap on year-over-year per pupil tuition increases levied by receiving districts and schools. *[Authority: DA 11/14-2]*

### Proportional Representation/Sending-Receiving

**The NJSBA believes** that sending boards of education should have proportional representation, including voting privileges, on receiving districts' boards of education. Representation should be determined by the percent of enrollment that students from the sending district(s) comprise among the student population in the grades for which a sending/receiving relationship exists. Representation and voting privileges of a sending board of education or combination of sending boards should be limited to ensure that a receiving district board of education always retains the majority voting privilege. *[Authority: DA 6/89-CR (Sending to Level III Districts), DA 11/98-CR (School Finance), DA 11/02-CR (Sending/Receiving- 2002, DA 5/03-SR, DA 5/08-SR), DA 5/13-SR]*

### Sending Representative Voting Rights

**The NJSBA believes** the statutory language of *N.J.S.A. 18A:38-8.1* should be revised to expand the voting rights of sending district representatives on matters before the receiving district board of education to include the ability to vote on all matters that impact the students of the sending district in the receiving district; all district-wide issues, all board governance issues and all matters related to the grade levels to which the sending district sends its students. *[Authority: DA 5/14-4]*

### Merger, Consolidation or Regionalization of School Districts

- A. **The NJSBA believes** that when districts determine after thorough study that regionalization would provide educational and/or financial benefits to the districts involved, they should be encouraged to regionalize. *[Authority: DA 10/79-CR Regionalization, DA 12/80-CR Deregionalization, DA 12/91-1, DA 11/98 SR]*
- B. **The NJSBA believes** that the Commissioner of Education and the State Board of Education should be prohibited from ordering the merger, consolidation or regionalization of two or more existing school districts without a prior public referendum in each of the affected districts approving such action provided that any such legislation should not permit the denial of rights guaranteed under the Constitution of the United States or the State of New Jersey. *[Authority: DA 5/72-1, 1a, DA 10/79-CR Regionalization, DA 12/80-CR Deregionalization, BD 1/81, DA 11/98-CR (School Finance)]*
- C. **The NJSBA believes** that prior to the submission of a regionalization proposal by any district or districts which desire to join with any other district or districts and become an all-purpose or limited-purpose regional school district, all of the districts involved shall be required to participate in a study of the proposed regionalization. The study of the proposed regionalization should include, but not be limited to the following factors: enrollment trends, goals, philosophy, board member apportionment, racial balance, education program, tax rates, and long-range implications of regionalization. All findings and conclusions of the study should be forwarded to the executive county superintendent who should consider these in his/her determination as to the advisability of regionalization. State aid should be provided for regionalization studies. *[Authority: DA 12/80-CR Deregionalization, DA 12/91-1, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

### Tax Impact

**The NJSBA believes** there should be a ten-year phase in of any increase in the tax levy of a constituent member of a newly-formed regional school district that results from the manner in which costs are apportioned

among the members of a regional school district under current statute. *[Authority: DA 10/79-CR Regionalization, DA 12/91-1, DA 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR), DA 5/13-SR]*

**Governance** (continued)

9300

Constituent District Representation on Regional Boards

**The NJSBA believes** that regional boards of education should be authorized to permit a board member from a constituent district to serve on a regional board with discussion privileges but without voting rights. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance), DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

Deregionalization

- A. **The NJSBA believes** that in order to facilitate deregionalization for districts desiring it all districts that comprise the regional district should be required to participate in an all-encompassing study in the event one of the constituent districts desires to withdraw from the regional district. This study shall be developed jointly by the regional and constituent districts prior to the submission of a resolution for withdrawal from a regional district and shall be conducted as follows:
- The committee involved in the study shall be comprised of one representative from each constituent board of education and one representative from the regional board itself and the chairperson of the committee shall be a non-voting neutral, appointed by the Commissioner of Education from outside the county;
  - The study shall be completed within six months after the district desiring to withdraw notifies the other constituent districts of its intent;
  - The study shall include long-range data on financial, educational and population trends, and should explore educational and organizational alternatives. In the event that agreement cannot be reached by the committee, any constituent district or the regional board may prepare its own position statement. These position statements, together with any other conclusions and recommendations of the committee, shall be forwarded to the executive county superintendent of schools along with the resolution for withdrawal;
  - All discussion and actions of the committee shall be conducted in closed session;
  - The cost of the study shall be borne by the district or districts desiring to withdraw;
  - The executive county superintendent of schools shall consider all conclusions and recommendations of the committee and include them in his/her report to the Board of Review. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- B. **The NJSBA believes** that if two or more constituent districts submit resolutions for withdrawal the executive county superintendent and Board of Review should be required to consider these resolutions simultaneously. Simultaneous consideration shall be required where one constituent district submits a resolution for withdrawal, and one or more other constituent districts submit their own resolutions within 30 days after receiving notice of the first resolution. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- C. **The NJSBA believes** that the question of withdrawal should go to public referendum if the Board of Review does not comply with the prescribed timetable for conducting hearings and reaching its final determination. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- D. **The NJSBA believes** that each member of the Board of Review should be able to appoint a designee. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- E. **The NJSBA believes** that the executive county superintendent should be required to include in his/her initial report an inventory of all assets, and to specify the division and distribution of assets and liabilities based on the amount of ratables in the withdrawing school district on which the last school tax was levied. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*

- F. **The NJSBA believes** that the Commissioner of Education should be required to appoint a neutral person or group of persons from outside the regional district to certify all financial and educational data, enrollment projections and related statistics. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance)]*
- G. **The NJSBA believes** that when a withdrawing district has no regional district lands or buildings within its geographical boundaries at the time of withdrawal, the withdrawing district should be allotted a share of the equity in the regional district's lands and buildings based on the amount of ratables in the respective districts.
- H. **The NJSBA believes** when a withdrawing district has regional district lands and buildings within its geographical boundaries at the time of withdrawal, the regional district be allotted a share of the equity in such lands and buildings based on the amount of ratables in the respective districts; and
- I. **The NJSBA believes** that any unappropriated balance (surplus) in the regional district should be distributed between the withdrawing district and the regional district based on the amount of ratables in the respective districts. *[Authority: DA 12/80-CR Deregionalization, 11/98-CR (School Finance) , DA 5/03-SR, DA 5/08-SR]*

#### Transfer of Employee Rights to Withdrawing Districts

**The NJSBA believes** that every local school district should have the right to select its own teaching staff and that there should not be a provision for transfer of employment rights, tenure and seniority from regional districts to withdrawing districts. *[Authority: DA 12/81-14, 11/96-SR, 11/98-CR (School Finance, DA 5/03-SR, DA 5/08-SR),\_DA 5/13-SR]*

#### Send-All Districts

**The NJSBA believes** the current organizational structure of send-all districts, communities that have chosen not to operate a school building, but rather to send their students to other districts, serves the educational and financial needs of their communities therefore, any efforts by the state to eliminate send-all districts should be strenuously and vigorously opposed. *[Authority: BOD 5/04, DA 5/03-SR, DA 5/08-SR, DA 5/13-SR]*

<b>Cross References:</b>	1400	Relations between other governmental agencies and the district
	3100	Budget planning, preparation and adoption
	3240	Tuition income
	4110	Tenure
	4111	Recruitment, selection and hiring
	6147	Curriculum Standards
	9325.4	Voting method

**Key Words:** curriculum, sending receiving, consolidation, regionalization, send-all