

NJSBA

Delegate Assembly Handbook

November 20, 2021 • Virtual Webex Conference



New Jersey School Boards Association
Serving Local Boards of Education Since 1914



New Jersey School Boards Association

413 West State Street • Trenton, NJ 08618 • Telephone: 609.695.7600 • Toll-Free: 888.88NJSBA • Fax: 609.695.0413

SEMIANNUAL DELEGATE ASSEMBLY

Virtual Webex Conference

November 20, 2021

Agenda

8:00 a.m. REGISTRATION

9:00 a.m. CALL TO ORDER
Presiding: Irene LeFebvre

PLEDGE OF ALLEGIANCE

Delegates

RECOGNITION OF COMMITTEE CHAIRS

Irene LeFebvre

REPORT OF THE PRESIDENT

Irene LeFebvre

REPORT OF THE EXECUTIVE DIRECTOR

Dr. Lawrence S. Feinsod

ADOPTION OF THE RULES FOR THE
CONDUCT OF THE DELEGATE ASSEMBLY

Irene LeFebvre
Parliamentarian

-over-

MINUTES OF THE MEETING OF
May 15, 2021

Irene LeFebvre

REPORT OF THE V. P. FOR
LEGISLATION/RESOLUTIONS

Karen Cortellino

Resolutions Subcommittee Report

SUNSET REVIEW

Karen Cortellino

ADJOURNMENT

Irene LeFebvre

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**New Jersey School Boards Association
413 West State Street
Trenton, New Jersey 08618
(609) 695-7600**

DELEGATE CERTIFICATION FORM

I, the undersigned, hereby certify that I am a regular voting member of the _____ Board of Education in the County of _____; that to the best of my knowledge, said Board of Education is a member in good standing of the New Jersey School Boards Association, and that I am duly appointed and authorized to act as the Delegate from said Board of Education at the Semiannual Delegate Assembly on November 20, 2021.

SIGNATURE

ADDRESS

CITY/STATE/ZIP

**NEW JERSEY SCHOOL BOARDS ASSOCIATION
SEMIANNUAL DELEGATE ASSEMBLY
November 20, 2021**

Summary of Delegate Action

Enclosed for your convenience to
report to your board of education.

ACTION TAKEN

PERIODIC REVIEW OF POSITIONS AND POLICIES ON
EDUCATION
REVIEW OF SECTIONS 3000 AND 4000
BUSINESS AND NONINSTRUCTIONAL
OPERATIONS/INSTRUCTIONAL AND SUPPORT
PERSONNEL
POLICIES RECOMMENDED FOR REAFFIRMATION
WITHOUT CHANGES

FILE CODE	TITLE
3000	Business and Noninstructional Operations
3100	Budget Planning, Preparation and Adoption
3150	Official Adoption by Voters/Board of School Estimate
3151	Appeals
3210	Local Funds
3220	State Funds
3230	Federal Funds
3240	Tuition Income
3250	Income From Fees, Fines and Charges
3270	Sale, Licensing and Rental of Property
3290	Funds Management/Investing
3320	Purchasing Procedures
3324.1	Contracts
3326	Payment of Goods and Services

3350	Tuition Expense
3400	Accounts
3515	Smoking Prohibition
3516	Safety
3530	Insurance Management
3541	Transportation
3541.1	Transportation Routes and Services
3541.3	Nonschool Use of District Vehicles
3541.31	Privately Owned Vehicles
3541.33	Transportation Safety
3542	Food Services
4000	Instructional and Support Staff
4110	Tenure
4111	Recruitment, Selection and Hiring – Certified Staff
4112.2	Certification
4112.5	Criminal History Check
4113.1	Load/Scheduling/Hours of Employment
4114	Transfer
4116	Evaluation
4117	Separation
4117.4	Reduction in Force/Abolishing a Position
4117.51	Withholding Increment
4119.23	Smoking, Drinking and Use of Drugs on School Premises
4119.24	Staff/Pupil Relations
4121	Substitute Teachers
4131	Staff Development

4131.1	Inservice Education/Visitations/Conferences
4135	Negotiations/Bargaining Units
4135.1	Agreements
4135.3	Negotiations/Consultation
4135.11	Recognition/Personnel Covered
4135.16	Work Stoppages/Strikes
4140	Compensation and Related Benefits
4141	Salary Guides
4142	Salary Checks and Deductions
4144	Insurance/Workers' Compensation
4145	Retirement
4146.1	Employee Assistance Programs
4147	Employee Safety
4150	Leaves
4151.1	Personal Illness and Injury/Health and Hardship
4152	Vacations/Holidays
4211	Recruitment, Selection and Hiring – Noncertified Staff
4212.2	Certifications or Licensing
4217.50	Standards for Staff Discipline

PERIODIC REVIEW OF POSITIONS AND POLICIES ON
EDUCATION
REVIEW OF SECTIONS 3000 AND 4000
BUSINESS AND NONINSTRUCTIONAL
OPERATIONS/INSTRUCTIONAL AND SUPPORT
PERSONNEL
POLICIES RECOMMENDED FOR REAFFIRMATION WITH
CHANGES

FILE CODE	TITLE	POLICY POSITION OR ACTION	SUBHEADING(S) RECOMMENDED FOR CHANGE
4112.1	Individual Contracts	Policy Position	Grant-Funded Positions

Amendments

Delegates wishing to propose amendments to policy language must email them directly to bbarnett@njsba.org. Delegates must clearly indicate language to be deleted, and/or language to be added. All deletions will be highlighted and [bracketed] in red and additional language will be underlined in blue.

This is an example to show how to indicate additions and deletions:

This is sample language to show how to submit [a resolution] an amendment correctly.

To ensure that you are allotted your full discussion time, the time clocks will be stopped while the proposed amendments are prepared for viewing. The parliamentarian will tell the staff timing discussion when to stop the time clocks and when they should resume timing discussion.

NEW JERSEY SCHOOL BOARDS ASSOCIATION
BOARD OF DIRECTORS 2021-2022
(As of 11/2/21)

OFFICERS/EXECUTIVE COMMITTEE

<i>President</i>	Irene M. LeFebvre Boonton Town Board of Education
<i>Vice President for County Activities</i>	Bruce R. Young Carlstadt-East Rutherford Board of Education
<i>Vice President for Finance</i>	Tammeisha D. Smith Knowlton Township Board of Education
<i>Vice President for Legislation/Resolutions</i>	Karen Cortellino, M.D. Montville Township Board of Education
<i>Immediate Past President</i>	Michael R. McClure Maple Shade Board of Education
EX OFFICIO	Lawrence S. Feinsod, Ed.D. <i>Executive Director</i> New Jersey School Boards Association

MEMBERS & ALTERNATES

ATLANTIC COUNTY

Amy Hassa, Hamilton Township Board Of Education
Jerome Page, Pleasantville Board of Education (Alt.)

BERGEN

Sheli Dansky, River Edge Board of Education
Joseph Steele, New Medford Board of Education (Alt.)

BURLINGTON

Harry Litwack, Delanco Board of Education
Erica Campbell, Palmyra Board of Education (Alt.)

CAMDEN

Vacancy
Joseph Miller, Audubon Board of Education (Alt.)

CAPE MAY

Jacqueline McAlister, Ocean City Board of Education
Thomas Belasco, West Cape May Board of Education

CUMBERLAND

Vacancy
Vacancy (Alt.)

ESSEX

Shane Berger, Bloomfield Board of Education

Shannon Cuttle, South Orange-Maplewood Board of Education

GLOUCESTER

Natalie Baker, Swedesboro Woolwich Board of Education

Michele Giaquinto, Clearview Regional Board of Education (Alt.)

HUDSON

Maria Mattiace, Guttenberg Board of Education

Haissam Jaafar, North Bergen Board of Education (Alt.)

HUNTERDON

Laurie Markowski, Flemington-Raritan Regional Board of Education

Robert Imhoff, High Bridge Board of Education (Alt.)

MERCER

Dana Krug, West Windsor-Plainsboro Board of Education

Vacancy (Alt.)

MIDDLESEX

Joyce Mehta, South Brunswick Board of Education

Patrick Walsh, South Amboy Board of Education (Alt.)

MONMOUTH

Al Miller, Howell Township Board of Education

Vacancy (Alt.)

MORRIS

Paul Breda, Wharton Borough Board of Education

Diane Morris, Mine Hill Board of Education (Alt.)

OCEAN

Richard Casey, Ocean Gate Board of Education

Stephanie Wohlrab, Brick Township Board of Education (Alt.)

PASSAIC

Nancy Lohse Schwartz, Pompton Lakes Board of Education

Joseph Canova, Clifton Board of Education (Alt.)

SALEM

Emily Cannon, Pittsgrove Township Board of Education

Vacancy (Alt.)

SOMERSET

Robert B. Morrison, Watchung Hills Board of Education

Barry Walker, Bridgewater-Raritan Board of Education (Alt.)

SUSSEX

Marie S. Bilik, Green Township Board of Education

Ronald Hoffman, Hardyston Township Board of Education (Alt.)

UNION

J. Brendan Galligan, Westfield Board of Education
 Maureen Byrne, Winfield Board of Education (Alt.)

WARREN

Paul Williams, Harmony Township Board of Education
 Scott Nodes, Greenwich Township Board of Education (Alt.)

COUNTY ASSOCIATION LEADERSHIP

Vacancy
 Mattia Scharfstein, Stanhope Board of Education (Alt.)

URBAN BOARDS

Rita Martin, Winslow Township Board of Education (Camden)
 Marsha Hershman, Lindenwold Board of Education (Camden) (Alt.)

Rosa E. Moreno-Ortego, Elizabeth Board of Education, (Union)
 Vacancy (Alt.)

Diane Johnson, Pennsauken Board of Education (Camden)
 Sheila Etienne, Asbury Park Board of Education (Monmouth) (Alt.)

VOCATIONAL BOARDS

Elizabeth Martin, Hunterdon County Vocational Board of Education
 Jon Barr, Union County Vocational Board of Education (Alt.)

NSBA REPRESENTATIVE (Non-Voting)

Vacancy
(Exclusive to NSBA Officer or NSBA BOD member)

11/3/21



PROCEDURAL SUGGESTIONS FOR DELEGATES

Action in delegate meetings is sometimes prolonged when parliamentary procedure has not been properly followed in difficult situations. To speed the meeting, delegates might consider the following procedures:

Making Motions

To be discussed, a resolution must be moved by a delegate, preferably from the sponsoring board. The Vice President for Legislation/Resolutions does not move the resolution but merely reads a summary of the objectives sought in the resolution and the Resolutions Subcommittee's recommendation for delegate action as sent to all boards of education.

The recommendations proposed to the Delegate Assembly at the end of the discussion pages in this Delegate Handbook are made by the Resolutions Subcommittee. The Subcommittee is authorized by the NJSBA Bylaws to review all resolutions to come before the Delegate Assembly for policy consideration. Research on the issues presented in these resolutions sometimes leads the Resolutions Subcommittee to offer an alternative solution to the objectives sought with the Subcommittee recommending a substitute resolved clause for delegate approval.

If you would like to make a motion, or second a motion, you will need to type into the chat box your name, district, and "I would like to move ...," or "I second...." Once it is in the chat room, the meeting monitor will share your name with the VP/Legislation, who will call on you and your microphone will be unmuted.

If a board delegate so chooses, the substitute resolved clause may be moved as the original motion for delegate approval.

When moving a resolution as originally presented by the sponsoring board of education, please say:

I move Resolution No. ____ as originally submitted.

When moving a resolution with the substitute resolved clause recommended in the discussion pages, please say:

I move Resolution No. ____ with the substitute resolved clause and recommended policy language for NJSBA'S Manual of Positions and Policies on Education.

-over-

Making Amendments

Delegates wishing to propose amendments to policy language must email them directly to bbarnett@njsba.org. Delegates must clearly indicate language to be deleted, and/or language to be added. All deletions will be highlighted and [bracketed] in red and additional language will be underlined in blue.

When moving to amend a motion, please clarify your intent by saying one of the following:

- I move to strike on page ____, line ____ the word(s) _____.
- I move to strike on page ____, line ____ the word(s) _____ and insert the word(s) _____.
- I move to insert the word(s) _____ between _____ and _____ on page ____, line ____.
- I move to add at the end of line ____ on page ____ the word(s) _____.

Postponing or Referring a Motion

When delegates wish to defer action in order to develop more information, they should move to refer a resolution to a committee for study or refer a report back to the original committee for further study.

Close Votes

Whenever a delegate doubts the result of a vote as inconclusive or a tie, he/she may move that the vote be recast. If this motion is seconded, a majority vote is required to order a recount.

RULES FOR THE CONDUCT OF THE DELEGATE ASSEMBLY MEETING

1. **Credentials:** (a) **The delegate's credential is the link sent by the Cisco Webex host to all duly registered delegates. Voting shall be recorded by the designated electronic device.** (b) The delegate to the Delegate Assembly must be either the delegate of record or alternate of record, or show proof of designated representation by the local board. A signed statement by the school business administrator on school district letterhead must be provided to show proof of designated representation by the local board; or the member must submit a signed certification found in the DA handbook. The delegate must email the board letter or a certification that they are the delegate to charrison@njsba.org at time of registration. (c) The registration process shall close during the voting process in any contested election and no credentials shall be issued during such period. (d) An official count of all registered delegates shall be prepared and submitted to the President for announcement at the meeting just prior to the casting of a vote in a contested election.
2. **Parliamentary Procedure:** (a) *Robert's Rules of Order Newly Revised, current edition*, shall govern the proceedings unless otherwise inconsistent with these rules. (b) There shall be an official parliamentarian to whom questions may be directed only through the Chair.
3. **Speaking:** (a) All voting delegates, officers, members of the Board of Directors, county school board association representatives and staff shall have speaking privileges. (b) All others shall be muted for the meeting.
4. **Recognition by Chair:** (a) An eligible speaker shall use the chat function and gain recognition of the Chair before speaking. (b) He/she shall give his/her full name and local board or official capacity. (c) Speakers shall state, at the outset, if they are speaking for or against a motion.
5. **Written Amendments:** (a) All motions to amend a resolution or committee report shall be submitted by the maker in writing to the Chair before or at the time the motion is made through the chat room. The Chair has discretion to require any other motion to be submitted in writing. A majority vote is needed to pass the motion.
6. **Time Limitations on Speakers:**
 - (a) The first presentation of a delegate moving a question shall be limited to three minutes. Subsequent presentations shall be limited to two minutes each. No authorized speaker shall speak a second time on the same question until all persons seeking the floor shall have had an opportunity to speak once.*
 - (b) The first presentation of a delegate moving an amendment to a question shall be limited to two minutes. Subsequent presentations shall be limited to one minute each. No authorized speaker shall speak a second time on the same amendment until all persons seeking the floor shall have had an opportunity to speak once.
 - (c) Discussion on a committee report shall be limited to 15 minutes with the provision that, if continuation is desired, a motion may be passed by a two-thirds vote of the delegates present and voting to extend discussion time for a period of not more than five minutes, with a separate motion

being required for each such extension.*

- (d) Discussion on a proposed amendment to the *Bylaws* shall be limited to 15 minutes with the provision that, if continuation is desired, a motion may be passed by a two-thirds vote of the delegates present and voting to extend discussion time for a period of five minutes, with a separate motion being required for each such extension.*
- (e) Discussion on a resolution shall be limited to 15 minutes with the provision that, if continuation is desired, a motion may be passed by a two-thirds vote of the delegates present and voting to extend discussion time for a period of not more than five minutes, with a separate motion being required for each such extension.*
- (f) If a motion to amend the main motion is made, time will be suspended on the main resolution or committee report and five minutes will be allowed for discussion of the proposed amendment with the provision for extension as noted above (d). At the conclusion of a vote on the proposed amendment, time will be resumed on the main resolution or committee report.*

* Time clocks will be stopped when questions on parliamentary procedure are discussed and while proposed amendments are being prepared for presentation.

- 7. **Straw Poll:** There shall be no straw poll vote while the meeting is in session.
- 8. **A Motion to Call the Question:** (a) May not be made by a delegate at the conclusion of his/her remarks; (b) Will be deemed out of order if there are delegates waiting to speak and if discussion on the matter has not exceeded five minutes. A two-thirds vote of the delegates present and voting is needed to pass the motion.
- 9. **Motion to Reconsider:** Notwithstanding any provisions to the contrary in *Robert's Rules of Order Newly Revised, current edition*, once a resolution or *Bylaws* amendment has been voted upon, the delegates may not reconsider the vote on that resolution or *Bylaws* amendment.
- 10. **Breach of Order:** In debate a member's remarks must be germane to the question before the assembly—that is, her/his statements must have bearing on whether the pending motion should be adopted. If a member commits only a slight breach of order—such as addressing another member instead of the chair in debate, or in a single instance, failing to confine her/his remarks to the merits of the pending question—the chair will advise the member to avoid it. The member can then continue speaking if he commits no further breaches. If the offense is more serious as when a member persists in speaking on completely irrelevant matters in debate, the chair will warn the member; but with or without such a warning the president or any delegate can “call the member to order.” If the chair does this, s/he says, ‘The member is out of order and will be muted.’ Another member wishing to call a member to order shall say, waiting to be recognized, ‘Ms/r. Chair, I call the member to order.’ If the chair finds this point of order well taken, s/he declares the offender out of order and directs them to be muted.
- 11.
 - a. NJSBA is authorized to conduct public meetings virtually, including the Delegate Assembly pursuant to *N.J.S.A. 10:4-9.3*.
 - b. Participants shall endeavor to join the meeting from a quiet location, with video if a delegate and muted device until recognized by the chair.
 - c. All those on the virtual dais shall use video unless it is impossible to do so, using a well-lit space with the camera at or close to eye level.
 - d. Participants shall silence their microphones or mute their outgoing audio unless speaking.
 - e. The presiding officer shall ensure that all members on the virtual dais who wish to contribute to

discussion, in the proper course of the agenda, shall have the opportunity to do so.

f. All speakers shall identify themselves prior to making remarks, including district and/or official capacity.

g. Upon adjournment, all participants shall leave the meeting promptly.

11. **Suspension of Rules:** These rules may be overridden by a two-thirds vote of the delegates present and voting.

NOTE: These Rules of Conduct for the Delegate Assembly will sunset at the conclusion of the Delegate Assembly.

G:DA\ Rules of Conduct-Revised 6-2020



Minutes

NJSBA Annual Virtual Delegate Assembly

May 15, 2021

The Annual Delegate Assembly of the New Jersey School Boards Association (NJSBA) was held virtually on May 15, 2021. President Michael R. McClure and Vice President for Legislation/Resolutions Karen Cortellino, M.D, presided over the meeting from the Association's headquarters in Trenton. Executive Director Lawrence S. Feinsod provided his report to the board from headquarters. There were 234 participants, 131 delegates present, representing 21 counties.

President Michael McClure called the meeting to order at 9:03 a.m. He reminded everyone in attendance that only certified delegates have the right to speak and vote on pending matters. He indicated that participants will see the presenters on their screen and slides but will not have video so they will not be seen and participants will not see each other. Voting tallies and policy amendment language will be visible.

President McClure also reminded the delegates that members of the staff, NJSBA Board of Directors members who are not serving as delegates, past presidents of the Association, and county school board presidents or their designees are afforded speaking privileges but do not have voting privileges.

President McClure announced that adequate notice of the meeting had been provided to three major newspapers and filed with the New Jersey Secretary of State. He reported that the Delegate Assembly Handbook and other materials related to the May 15, 2021 agenda were mailed on May 3, 2021 to all pre-registered delegates and were posted on the NJSBA website.

President McClure led the delegates in the Pledge of Allegiance.

Mr. McClure acknowledged the following officers for their contributions to the Association.

President

Michael R. McClure, Maple Shade (Burlington)

VP for County Activities

Bruce R. Young, Carlstadt-East Rutherford (Bergen)

VP for Finance and Chair of the Finance Committee

Tammeisha D. Smith, Knowlton Township (Warren)

VP for Legislation/Resolutions and Chair of the Legislative Committee

Karen Cortellino, M.D., Montville Township (Morris)

Immediate Past President

Daniel Sinclair, Lakeland Regional (Passaic)

Mr. McClure also acknowledged the special contributions of those who have chaired the Association's standing and *ad hoc* committees:

Audit Committee

Laurie Markowski, Flemington-Raritan Regional (Hunterdon)

Standards and Assessment Committee

Eileen Miller, Woodstown-Pilesgrove Regional (Salem)

Special Education Committee

Irene LeFebvre, Boonton Town (Morris)

Urban Boards Committee

Marsha Hershman, Lindenwold (Camden)

School Finance

Catherin Kazan, Wayne (Passaic)

NJSIAA Representatives

James Gaffney, Oakland (Bergen)

Howard Krieger, Upper Freehold Regional (Monmouth)

Steve Shohfi, Lavallette (Ocean)

Daniel Sinclair, Lakeland Regional (Passaic)

J. Brendan Galligan, Westfield (Union)

NJSIG Board of Trustees

Irene LeFebvre, Boonton Town (Morris)

Josephine Sharp, Wildwood City (Cape May)

Report of the President - President McClure began his remarks by acknowledging that this past year has been one of the toughest for school districts navigating through the pandemic and how well they rose to the occasion. He also acknowledged how well NJSBA met the moment by pivoting to providing virtual training and producing a series of research reports on education during the pandemic. Mr.

McClure made particular mention of NJSBA's 2020 Virtual Workshop, which exceeded its programming, attendance and financial goals. He expressed his pride in how the NJSBA members embraced the resources they were offered, engaging with NJSBA in record numbers, and learning ways to help their districts and their students get through this trying time. President McClure also pointed out how education in New Jersey has changed in ways that are not yet completely clear, forcing the New Jersey School Boards Association to plan for those changes.

He addressed leaving his position as NJSBA president and looks forward to continuing to serve the Association as immediate past president. He thanked his fellow officers for their help and support during this time, Dr. Larry Feinsod for his remarkable leadership of NJSBA, and the NJSBA staff.

Report of the Executive Director - Dr. Lawrence Feinsod began his report by addressing the slate of officers running unopposed to lead the Association for the 2021-2023 term and acknowledged the quality of their leadership: Irene LeFebvre, Karen Cortellino, Tammy Smith and Bruce Young. He also thanked outgoing president Mike McClure for his amazing commitment, his insights and his wise counsel.

- **Advocacy Achievements: Relationships and Relevancy** –NJSBA's relationship with the Legislature, the Governor's office, the DOE and the State Board has enabled it to represent the concerns of its members, and to help shape legislation. Several pieces of legislation, which reflect recommendations in the NJSBA Pandemic Advocacy Agenda, have been signed into law: A-4461/S-2698 requires the state to enter into contracts and coordinate with certain cooperative purchasing systems to help schools purchase COVID-19 related goods and services; S-2691/A-4310 provides much needed financial flexibility to school districts and allows them to maintain a 4% surplus for this and next school year and allows the use or transfer of those funds between line items and program categories in budgets without approval of the Commissioner of Education.

NJSBA has been laser-focused on student mental health for several years, and this year saw the advancement of legislation that provides resources and support for students. S-2486/A-4264, establishes a five-year pilot program in the New Jersey Department of Education to provide a social-emotional learning program to elementary school students attending selected public schools. The pilot program would be based on the Clayton Model, which is a responsive, trauma-informed intervention program for student development that was created by the Clayton School District in Gloucester County. Also there are five bills designed to enhance mental health services in New Jersey's public schools currently in Senate committees. All the bills have passed the Assembly and reflect many of the recommendations in NJSBA's October 2019 report, *Building a Foundation for Hope*.

School district regionalization legislation also has the potential to impact many districts. S-3488, which has passed the Senate, establishes criteria for state-funded regionalization studies and ensures that the final decision to move forward with any regionalization plan remains subject to voter approval. Voter approval was a critical condition of NJSBA's support for the bill, as making regionalization mandatory had been previously considered.

The NJSBA testified on the state budget and reached out directly to members of the budget committee and other legislators. In its testimony, NJSBA supports the proposed increases in formula aid, extraordinary special education aid, preschool expansion aid and the critical need for the proposed \$50 million Stabilization Aid fund, which will provide transitional aid to districts experiencing a decline in state aid.

- **NJSBA Budget** - The Association has seen greater revenue than predicted from some non-dues areas, particularly from the NJSBA TEC program. The 2021-2022 budget will not increase dues for any school district. This marks the 12th consecutive year without a dues increase and that comes with no reduction in services.

NJSBA received an offer from a company wishing to buy the NJSBA's Hamilton Township property to build a storage facility. A non-binding agreement to sell the property for \$2 million was signed and the Board of Directors approved a resolution which approves the sale of the property. The Board of Directors also approved the hiring of special counsel to advise the Association during the sale of the property.

- **NJSBA Online University** - Part I of the development of the NJSBA Online University is well underway. The mandated training courses of Governance I, II, III and IV are online and running, including the Comprehensive New Board Member Orientation. More board member courses are in development for delivery in the coming months. Now the Association is expanding this service into Phases II and III. In these phases, comprehensive professional development for classroom teachers, district leadership and support staff will be provided. Some of these courses will offer the continuing education credits that professionals need, including Qualified Purchasing Agent credit, and Certified Educational Facilities Manager credit. This program will operate on a subscription basis providing additional non-dues revenue for the Association. NJSBA is partnering with SHI, a Somerset company that services districts with integrated IT services and with Eduscape, of Montvale, a national leader in K-12 professional development in this project.
- **Member Engagement and Programming** - For the past 14 months, NJSBA has produced an average of five original training and informational programs each week, including podcasts, videos, webinars, Facebook Live events and online professional development programs. They are broadcast live, and then are archived for members to access at their convenience.

NJSBA closely tracks how well board members and members of the public engage with the Association through its social media and other online channels. In addition, NJSBA recently sent out a survey to board members, superintendents, and business administrators to measure the increase in levels of engagement with NJSBA since the beginning of the pandemic. We found that nearly a quarter of respondents reported they have increased their use of NJSBA resources and services, including training and webinars, School Board Notes and School Leader, and the NJSBA website.

NJSBA conducted its first-ever Spring Education Symposium, which was very successful. The virtual two-day event featured 40 training sessions, which are available to attendees on demand for a month. The Spring Symposium also attracted 40 sponsors, and exceeded budget goals.

- **Student Voices** – A series of very special videos—ones that feature our students, will begin rolling out this summer. Some counties honor “Unsung Heroes,” students who have overcome significant obstacles to succeed in school. Others hold “8th Grade Dialogue” programs, where a select group of students who are about to begin high school talk about their experiences and their views on education. Interviews were conducted with the students who would normally attend and speak at a county meeting. The insights and experiences of the students are always fascinating, but this year the kids are particularly thoughtful and the interviews illuminate what it has been like to be a student during the pandemic.
- **Workshop 2021** – In March the decision was made to hold Workshop virtually in 2021. That decision was based on data from a member survey, feedback from potential sponsors and exhibitors, and financial projections – which estimated a loss to the Association in excess of \$100,000 for a hybrid format. Planning for Workshop 2021 includes three days of training sessions, keynote presentations, a live exhibit hall, and enhanced networking opportunities. All sessions will be recorded and available to attendees for a month following the conference.
- **Strategic Plan** - NJSBA is developing a Strategic Plan that will guide the Association from January 2022 through the end of 2024. In the months ahead, input from all NJSBA members will be solicited on training and other service needs and issues facing local school districts.

Rules for Conduct of the Delegate Assembly - President McClure explained that all the delegates or those designated by the board to represent the district have been sent directions on how to vote using their smart phone or computer. The tally of the vote will be shown on the screen. The procedure for voting will remain the same whether it is for a resolution, amendment, or any other procedure. All delegates were asked to open their chat window for the duration of the meeting. He then reviewed the rules for making a motion and/or amendment.

President McClure introduced parliamentarian Michelle Bobrow, who was prepared to address any questions on the rules. President McClure stated that the *Rules and Procedures for the Delegate Assembly*, which are included in the handbooks, and *Robert Rules of Order* will be adhered to. There were 131 delegates from 21 counties which represented a quorum.

Adoption of the rules for the conduct of the DA was moved by Anne Erickson, Greater Egg Harbor Regional, (Atlantic) and duly seconded by Chanta Jackson, Neptune Twp. (Monmouth).

*With no further discussion, the motion to adopt the rules for the conduct of the May 15, 2021 Delegate Assembly was **APPROVED**.*

Minutes of the November 21, 2020 Delegate Assembly - Hearing no corrections, additions, or deletions to the minutes of the November 21, 2020 Delegate Assembly, *President McClure declared the minutes approved as submitted.*

Committee Reports - President McClure announced that the following reports were published in the delegate handbook and do not require any action: Audit Committee, Legislative Committee, and School Finance Committee. The Special Education Committee is recommending a resolution for adoption considered later in the agenda.

Report of the Vice President for Legislation/Resolutions - Karen Cortellino, M.D., Montville Township (Morris) presented the Emergency Resolutions Subcommittee report. The cutoff for Emergency Resolutions was May 7, 2021. The Association received no Emergency Resolutions.

Dr. Cortellino presented the report of the Resolutions Subcommittee. The Association received one resolution from a local board of education for submission to the agenda for the Annual Delegate Assembly by the official cutoff date of March 11, 2021. Additionally, a resolution was received from the NJSBA Special Education Committee.

A preview of the Resolutions on today's agenda was published in *School Board Notes* and placed on the NJSBA Web site.

Dr. Cortellino reminded delegates that Rule No. 9 of the rules for conducting the Delegate Assembly precludes reconsideration of a resolution or a *Bylaws* amendment after the delegates have voted on it. If a proposed amendment was not sent in advance, and the policy language you prefer has not been moved, you must move to amend today. To amend a resolution today, type into the chat box, to all participants, your name, board, state if you are the voting delegate, and that you would like to amend the motion. Email your amendment to bbarnett@njsba.org. You must clearly indicate language to be deleted and/or added. You will see the language on your screen after the typist finishes typing it. Do not re-state the entire resolution, only the language you wish to amend.

If you wish to speak at any other time, type that into the chat room, to all participants, with your name, district and if you are the voting delegate. The meeting monitor will share your name with the chair who will call on you in turn. Comments must be new, different and germane to the matter before the body.

Delegates were reminded that decisions made today establish policy for the Association for years to come on many significant issues.

Resolution No.1

South Orange Maplewood Board of Education (Essex) proposes revised policy language to express the belief that it is important to cultivate inclusive, affirming and welcoming school communities that contribute to the overall safety, pedagogy and school climate; and to support and work with board members and school districts to create greater awareness, to ensure continued safety, support, student engagement and implementation of best practices and policies of all students, including those who are perceived as being lesbian, gay , bisexual, transgender, or questioning, or who are LGBTQ+.

Recommendation: The Resolutions Subcommittee recommends approval of this resolution with the following substitute resolved language which would create revised policy language at File Code: 5145.4, to be included in NJSBA's Manual of Positions and Policies on Education:

- A. The NJSBA believes that students have the right to be educated in an environment free of discrimination and intimidation that promotes mutual respect and acceptance among the students regardless of age, gender, race, ethnicity, religious belief, physical ability, gender identity or expression, affectional or sexual orientation and perceived difference. Students should be expected to treat each other with respect and should not be subjected to or subject other students to demeaning remarks, whether discriminatory and/or intimidating statement and/or actions.
- C. The NJSBA believes that local school boards and districts should make all necessary and appropriate efforts to raise awareness, employ best practices, and create an inclusive, safe and positive school climate for all students, including those that are actual or perceived as being lesbian, gay bisexual, transgender, questioning, or other sexual orientation, gender identity or expression.

A motion was made by Erin Siders, South Orange Maplewood Board of Education (Essex) to move the resolution with the substitute policy language. Motion was duly seconded.

Before discussion, staff discussed the background and research that was involved in the write-up, and the subsequent recommendation from the Committee.

After discussion the motion to approve the resolution with the substitute policy language was amended. The following are the proposed amendments:

Proposed Amendment 1 – Passed

A - The NJSBA believes that students have the right to be educated in an environment free of discrimination and intimidation that promotes mutual respect and acceptance among the students regardless of age, gender, race, ethnicity, religious belief, physical ability, gender identity or expression, affectional or sexual orientation and perceived difference. Students should be expected to treat each other with respect and should not be subjected to or subject other students to demeaning remarks, whether discriminatory and/or intimidating statement and/or actions.

C - The NJSBA believes that local school boards and districts should make all necessary and appropriate efforts to raise awareness, employ best practices, and create an inclusive, safe and positive school climate for all students, including, [but not limited to](#), those that are actual or perceived as being lesbian, gay bisexual, transgender, questioning, or other sexual orientation, gender identity or expression.

Proposed Amendment 2 – Failed

A - The NJSBA believes that students have the right to be educated in an environment free of discrimination and intimidation that promotes mutual respect and acceptance among the students regardless of age, gender, race, ethnicity, religious belief, physical ability, gender identity or expression, affectional or sexual orientation and perceived difference. Students should be expected to treat each other with respect and should not be subjected to or subject other students to demeaning remarks, whether discriminatory and/or intimidating statement and/or actions.

C - The NJSBA believes that local school boards and districts should make all necessary and appropriate efforts to raise awareness, employ best practices, and create an inclusive, safe and positive school climate for all students, including, but not limited to, those that are actual or perceived as being lesbian, gay bisexual, transgender, questioning, or other sexual orientation, gender identity or expression. In an effort to achieve this inclusion, NJSBA recommends that school districts adopt a practice of placing preferred pronouns under staff signatures in communications

Proposed Resolution as Originally Amended - Passed

A - The NJSBA believes that students have the right to be educated in an environment free of discrimination and intimidation that promotes mutual respect and acceptance among the students regardless of age, gender, race, ethnicity, religious belief, physical ability, gender identity or expression, affectional or sexual orientation and perceived difference. Students should be expected to treat each other with respect and should not be subjected to or subject other students to demeaning remarks, whether discriminatory and/or intimidating statement and/or actions.

C - The NJSBA believes that local school boards and districts should make all necessary and appropriate efforts to raise awareness, employ best practices, and create an inclusive, safe and positive school climate for all students, including, but not limited, those that are actual or perceived as being lesbian, gay bisexual, transgender, questioning, or other sexual orientation, gender identity or expression.

A motion was made by Erin Siders, South Orange Maplewood Board of Education (Essex), to move the resolution with the substitute policy language. Motion was duly seconded and passed by a vote of 92-10.

Resolution No.2

Pursuant to Article V, Sec. 2 of the NJSBA Bylaws, the NJSBA Special Education Committee submitted the following recommendation for action by the Delegate Assembly seeking adoption of new policy language requiring training for parent advocates. The report and recommendation was approved unanimously by the Committee at its March 10, 2021 meeting.

The NJSBA Special Education Committee recommends approval of the following policy language which would create new policy to be included in the NJSBA's Manual of Positions and Policies on Education:

The NJSBA believes that trained non-lawyer parent advocates provide a valuable service to parents and students. Mandatory training of non-lawyer parent advocates is essential to protect the interests of parents, students and districts. Training for parent advocates should result in an understanding of the appropriate role of a parent advocate as well as the requirements of federal and state special education laws and regulations, IEP development, and conflict resolution. Training should be ongoing. The state should provide funding for such training.

A motion was made by Irene LeFebvre, Boonton Town Board of Education (Morris), Chair of the Special Education Committee to move the resolution as recommended by the Special Education Committee. This is a committee recommendation and does not require a second.

Before discussion, staff discussed the background and research that was involved in the write-up, and the subsequent recommendation from the Committee.

Time expired on the amendment discussion. Vice President Cortellino asked for a motion to extend discussion for five minutes. Motion denied by a 2/3 vote of 39 to 63.

Proposed Amendment 1 – Failed

The NJSBA believes that trained non-lawyer parent and advocates provide a valuable service to parents and students. [Mandatory] training of non-lawyer parent advocates is essential to protect the interests of parents, students and districts. Training for parent advocates should result in an understanding of the appropriate role of a parent advocate as well as the requirements of federal and state special education laws and regulations, IEP development, and conflict resolution. Training should be ongoing. The state should provide funding for such training.

Proposed Resolution as Originally Presented – Passed

The NJSBA believes that trained non-lawyer parent advocates provide a valuable service to parents and students. Mandatory training of non-lawyer parent advocates is essential to protect the interests of parents, students and districts. Training for parent advocates should result in an understanding of the appropriate role of a parent advocate as well as the requirements of federal and state special education laws and regulations, IEP development, and conflict resolution. Training should be ongoing. The state should provide funding for such training.

A motion was made by Irene LeFebvre, Boonton Town Board of Education (Morris), Chair of the Special Education Committee to move the resolution as submitted. Motion was duly seconded and passed by a vote of 81-22.

Sunset Review of Sections 1000 (Community Relations) and 2000 (Administration)

In accordance with GO/8700 which directs the review of Association positions and policies on education according to certain standards/criteria, staff have reviewed all policies classified as part of the 1000 and 2000 sections of the NJSBA Manual of Positions and Policies on Education. Staff has identified those policies which require reaffirmation and those which require change including wording, amendment or deletion.

Policies Recommended for Reaffirmation: Fifteen policies were identified as still relevant and recommended for reaffirmation as written because the facts and philosophy remain current. These policies comprise List 1, copies of which are included in the Delegate Assembly Handbook.

Recommendation: The Resolutions Subcommittee recommends approving reaffirmation of the fifteen policies included in List 1.

Vice President Cortellino asked that the members consider all of the policies in the 1000 and 2000 sections, List 1, as a group.

A motion was made by Anne Erickson, Little Egg Harbor Township (Atlantic) to approve the reaffirmation of List 1 to the 1000 and 2000 sections of the NJSBA Manual of Positions and Policies on Education. Motion was duly seconded and passed by a vote of 87-1.

Policies in Need of Change: Two policies, File Codes 1600, 2224, were in need of amendment due to outdated terminology or statutory provisions. These policies comprise List 2, located in the Delegate Assembly Handbook. Copies of the policies follow List 2 in format indicating the original policies, with deletions in [brackets], additions underlined, with the reason for the recommended change at the end of the policy.

The criteria/standards against which the policies were reviewed are:

- A. Is the policy relevant to today's education system and operation?
- B. Does the policy provide a basic philosophy or overarching belief on an issue to guide the actions of the association?
- C. Does the policy address only a portion of a complex issue and not provide the comprehensive guidance necessary for thorough association action?
- D. Has the action requested in policy been wholly or partially accomplished through legislative or State Board action?
- E. Will a change to the policy affect any other policy area?
- F. Is the intent of the policy more appropriately addressed in another policy area?

Recommendation: The Resolutions Subcommittee recommends approval of the proposed changes for the two policies included in List 2.

A motion was made by Anne Erickson, Little Egg Harbor Township (Atlantic) to approve the proposed policy changes to the 1600 and 2224 sections of the NJSBA Manual of Positions and Policies on Education. Motion was duly seconded and passed by a vote of 80-1.

Installation of Officers

In accordance with the NJSBA Bylaws, the following officers, chosen by the members of the New Jersey School Boards Association, were sworn in to hold office from the conclusion of the May 15, 2021 Delegate Assembly to the annual meeting in the year 2023, to carry on the trust and betterment of public education in New Jersey, in accordance with established ethics and policy.

Irene M. LeFebvre, for the Office of President

Bruce R. Young, for the Office of Vice President for County Activities

Tammeisha D. Smith, for the Office of Vice President for Finance

Karen Cortellino, for the Office of Vice President for Legislation/Resolutions

Michael R. McClure, for the Office of Immediate Past President

These officers were installed in accordance with the Bylaws and concepts of the Association, and, therefore will preside over the New Jersey School Boards Association at the conclusion of the Delegate Assembly.

Adjournment

President McClure thanked everyone for taking the time to attend the Delegate Assembly. Having no further business, a Motion was made to adjourn the meeting. The motion was duly seconded and carried, the meeting was adjourned at 11:36 a.m.

Respectfully submitted,



Cynthia J. Jahn, Esq.

General Counsel

May 15, 2021 Delegate Assembly - Delegates in Attendance

County	District	Name
Atlantic	Egg Harbor City Bd of Ed	Mary Ann Rogers
Atlantic	Egg Harbor Twp Bd of Ed	Tamika Gilbert-Floyd
Atlantic	Greater Egg Harbor Reg Bd of Ed	Anne Erickson
Atlantic	Hamilton Twp Bd of Ed	Maria Newman
Atlantic	Northfield City Bd of Ed	Jillian Tafeen
Bergen	Bogota Bd of Ed	Kathryn Van Buren
Bergen	Carlstadt-East Rutherford Bd of Ed	Bruce Young
Bergen	Cresskill Bd of Ed	Mary Klein
Bergen	Demarest Bd of Ed	Diane Holzberg
Bergen	Englewood City Bd of Ed	William Feinstein
Bergen	Fair Lawn Bd of Ed	Vladimir Itkin
Bergen	Fort Lee Bd of Ed	Paula Colbath
Bergen	Glen Rock Bd of Ed	Edmund Hayward
Bergen	Haworth Bd of Ed	Michael Rodino
Bergen	Ho-Ho-Kus Bd of Ed	Mary Ellen Nye
Bergen	Leonia Bd of Ed	Mary Albanese
Bergen	New Milford Bd of Ed	Joseph Steele
Bergen	Oakland Bd of Ed	James Gaffney
Bergen	Park Ridge Bd of Ed	David Bradler
Bergen	Ramsey Bd of Ed	Scott Kaufman
Bergen	Ridgefield Bd of Ed	Michael Jacobs
Bergen	Ridgewood Bd of Ed	Michael Lembo
Bergen	River Dell Reg Bd of Ed	Stephanie Hartman
Bergen	River Edge Bd of Ed	Gyuchang Sim
Bergen	Rutherford Bd of Ed	Dennis Healey
Bergen	Tenafly Bd of Ed	Edward Salaski
Burlington	Edgewater Park Bd of Ed	Lester Holley
Burlington	Lenape Reg Bd of Ed	Barry Fitzgerald
Burlington	Maple Shade Bd of Ed	Ellen Wiest
Burlington	Mt. Laurel Bd of Ed	Anthony Ruttler
Burlington	Palmyra Bd of Ed	Katelyn Allen-Yoakum
Burlington	Southampton Twp Bd of Ed	Jeffrey Hicks
Burlington	Tabernacle Twp Bd of Ed	Gail Corey
Camden	Audubon Bd of Ed	Ammie Davis
Camden	Gibbsboro Bd of Ed	Kristi Whyte
Camden	Lindenwold Bd of Ed	Marsha Hershman
Camden	Mount Ephraim Borough Bd of Ed	Nancy Schiavo
Camden	Pine Hill Bd of Ed	Leslie Gallagher
Camden	Waterford Twp Bd of Ed	Willaim Wilhelm
Cape May	Upper Township Bd of Ed	Michele Barbieri
Cumberland	Cumberland Co Voc Bd of Ed	Ruth Hands

Cumberland	Fairfield Twp Bd of Ed	Michelle Kennedy
Essex	Belleville Bd of Ed	Frank VELEZ
Essex	Roseville Community Charter School	Maria Andrade
Essex	So Orange-Maplewood Bd of Ed	Erin Siders
Essex	West Essex Reg Bd of Ed	Jann Skelton
Gloucester	Clearview Reg Bd of Ed	Michele Giaquinto
Gloucester	Logan Twp Bd of Ed	John Russell
Gloucester	Mantua Bd of Ed	Karen Vick
Gloucester	Pitman Bd of Ed	Darlene Powell
Hunterdon	Bethlehem Twp Bd of Ed	Debra Roosen
Hunterdon	Califon Bd of Ed	Rita Lemley
Hunterdon	Delaware Valley Reg Bd of Ed	Ellen Gordon
Hunterdon	North Hunterdon-Voorhees Reg BOE	Tara Hintz
Mercer	East Windsor Regional Bd of Ed	Ram Ramachandran
Mercer	Hopewell Valley Reg Bd of Ed	Deborah Linthorst
Mercer	Lawrence Twp Bd of Ed	Jo Ann Groeger
MercerUnion	West Windsor-Plainsboro BOE	Dana Krug
Middlesex	Jamesburg Bd of Ed	Elliott Stroul
Middlesex	Middlesex Boro Bd of Ed	John Hrevnack
Middlesex	Old Bridge	SALVATORE DIPRIMA
Middlesex	Piscataway Twp Bd of Ed	Kimberly Lane
Middlesex	South Amboy Bd of Ed	Anthony Conrad
Middlesex	South Plainfield Bd of Ed	Sharon Miller
Monmouth	Howell Twp Bd of Ed	Mary Rose Malley
Monmouth	Long Branch Bd of Ed	Tasha Youngblood Brown
Monmouth	Monmouth Reg Bd of Ed	Sharon Wisdom
Monmouth	Neptune Twp Bd of Ed	Chanta Jackson
Monmouth	Union Beach Bd of Ed	Sarah Boyce
Morris	Boonton Town Bd of Ed	Irene LeFebvre
Morris	Boonton Twp Bd of Ed	Charles Eaton
Morris	Denville Bd of Ed	Dino Cappello
Morris	Florham Park Bd of Ed	Yvonne Cali
Morris	Harding Twp Bd of Ed	Richard F. Bruno
Morris	Jefferson Twp Bd of Ed	Michael Stewart
Morris	Mendham Twp Bd of Ed	Joan Mody
Morris	Rockaway Twp Bd of Ed	Lisa Mezik
Morris	Roxbury Twp Bd of Ed	Dan Masi
Morris	Washington Twp Bd of Ed	Jessica Decicco
Morris	Wharton Borough	Paul Breda
Ocean	Brick Twp Bd of Ed	Stephanie Wohlrab
Ocean	Jackson Twp Bd of Ed	Tara Rivera
Ocean	Lacey Twp Bd of Ed	Donna McAvoy
Ocean	Ocean Gate Bd of Ed	Richard Casey
Ocean	Ocean Township Bd of Ed	Evelyn McDowell
Passaic	Clifton Bd of Ed	Frank Kasper
Passaic	Hawthorne Bd of Ed	Alexander Clavijo
Passaic	Manchester Reg Bd of Ed	Jeff Fischer

Passaic	Pompton Lakes Bd of Ed	Nancy Schwartz
Passaic	Wayne Twp Bd of Ed	Catherine Kazan
Somerset	Branchburg Twp Bd of Ed	Theresa Joyce
Somerset	Bridgewater-Raritan Reg BOE	Barry Walker
Somerset	Manville Bd of Ed	Branden Agans
Somerset	Somerset Co Voc Bd of Ed	Nadine Wilkins
Somerset	South Bound Brook Bd of Ed	Constance Conner
Somerset	Watchung Hills Reg Bd of Ed	Peter Fallon
Sussex	Byram Twp Bd of Ed	Kathleen E Walsh
Sussex	Hamburg Bd of Ed	David Dreifus
Sussex	Hardyston Twp Bd of Ed	Ronald Hoffman
Sussex	Lenape Valley Reg Bd of Ed	Richard Kuncken
Sussex	Stanhope Bd of Ed	Mattia Scharfstein
Sussex	Sussex County Technical BOE	Diane Wexler
Sussex	Wallkill Valley Reg Bd of Ed	Robert Carlson
Union	Plainfield Bd of Ed	Richard Wyatt
Union	Scotch Plains-Fanwood Bd of Ed	Amy Boroff
Union	Westfield Bd of Ed	J. Brendan Galligan
Union	Winfield Bd of Ed	Frederick Viteka
Warren	Greenwich Twp Bd of Ed - Warren	Scott Nodes
Warren	Harmony Bd of Ed	George Babula
Warren	Hope Twp Bd of Ed	Andrea Beatty
Warren	Knowlton Twp Bd of Ed	Don Biery
Warren	Lopatcong Bd of Ed	Pamela Thomas
Warren	Mansfield Township Bd of Ed - Warren	James Momary
Warren	North Warren Reg Bd of Ed	Robert Brandt
Warren	Phillipsburg Bd of Ed	Rosemarie Person
Warren	Washington Twp Bd of Ed	Anita Smith



New Jersey School Boards Association

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ANNUAL REPORT

NJSBA AUDIT COMMITTEE REPORT

By

Laurie Markowski, Chairperson

Prepared for the Semiannual Delegate Assembly

November 20, 2021

In June 1991, the Delegate Assembly established the Audit Committee. The Committee consists of five members appointed by the president. A complete list of the committee members who served during 2020-2021 is attached to this report.

Following is a summary of the major items approved or reviewed by the Committee since last year's Delegate Assembly.

At the November 10, 2020 meeting, the Audit Committee listened to Robert Butvilla, Partner from the auditing firm of Suplee, Clooney & Company, review the 2019-2020 draft audit report, during which time Mr. Butvilla noted that the Independent Auditor's Report contained an unmodified ("clean") opinion regarding the accuracy of the financial statements. In addition, Mr. Butvilla noted that his firm found no instances of non-compliance with the Association's internal controls that needed to be brought to the Committee's attention.

At the February 5, 2021 meeting, the Audit Committee reviewed the engagement letter from Suplee, Clooney & Company to complete the audit of the Association's 2020 – 2021 financial statements. The proposed fee was \$20,000, representing a 2 % increase from the prior year. After a brief discussion, during which time the Association's management team indicated that they were very satisfied with the auditors' past performance, the Committee approved Suplee's proposal.

The next Audit Committee meeting was held on March 19, 2021. A motion was made and seconded at this meeting to approve the minutes of the previous meeting that was held on February 5, 2021.

At the May 7, 2021 meeting, the Audit Committee reviewed and approved the 2021 – 2022 budgeted out-of-state travel expenses for both the Executive Committee and the Executive Director. These budgets assume that all such out-of-state conferences will be attended in person, but if the COVID-19 pandemic necessitates that any of these meetings are virtual-only, the associated budget dollars will effectively be returned to the Association's free balance.

At the October 1, 2021 meeting, the Audit Committee reviewed and approved the annual report of aggregate Executive Committee, Executive Director, Board of Directors and staff expenses for 2020-2021. During this review the Association's management noted that travel expenses decreased significantly from the prior year as a result of COVID-related travel restrictions and the resulting hosting of and participation in virtual-only meetings. At this meeting the Committee also reviewed a full-year summary of the 2020 – 2021 budget transfers. Additionally, Mr. Butvilla reviewed a draft of the 2020 – 2021 audit report with the Committee, again noting that no exceptions were found but also noting that the state of New Jersey has not yet provided all necessary information for the pension plan and post-retirement medical benefits plan to enable his firm to complete those sections of the audit report. Mr. Butvilla hopes that this information will be available before the Association's November 19, 2021 Board meeting and if so, he will work with the Association's Finance team to complete the remaining parts of the audit report.

The next Audit Committee meeting is scheduled for January 28, 2022.



REPORT OF THE LEGISLATIVE COMMITTEE

By

Dr. Karen Cortellino, M.D.

Vice President for Legislation/Resolutions

Prepared for the November 20, 2021 Semiannual Delegate Assembly

As Vice President of Legislation/Resolutions, I would like to report the Legislative Committee's activities since the May 15 Delegate Assembly.

CHARGE:

1. The Committee shall encourage, promote and assist in the development of local, county and Statewide legislative networks.
2. The Committee may initiate legislative policy recommendations for consideration by the Board of Directors or the Delegate Assembly.
3. The Committee shall review issues and NJSBA's advocacy agenda and offer input on these matters.
4. The Committee shall clarify existing positions on legislation by analyzing bills pending in the Legislature.
5. The Committee shall recommend a biannual legislative agenda.
6. The Committee members may be called upon to testify at meetings and hearings of the State Legislature on issues.
7. The Committee shall serve as a membership base for the Resolutions Subcommittee.
8. The Committee members may participate in NJSBA's legislative training activities.
9. The Committee shall review federal legislation and other initiatives that affect local school boards and offer input on these matters.
10. The Committee shall serve as a united voice for the needs of all children by testifying, initiating local resolutions, writing/meeting/telephoning legislators, and communicating with local board members at county functions.

At the heart of the Committee's charge is its crucial service as a link between local boards of education and the New Jersey School Boards Association on current legislative and

administrative code issues. Committee members encourage, promote and assist in the development of local, county and Statewide legislative networks.

The Legislative Committee consists of 80 members and alternates who represent their respective legislative districts. Having members from all legislative districts ensures that each legislator is contacted on a regular basis by board members who advocate and champion the needs of 1.4 million public school children. Having active Committee members and alternates ensures a stronger and more consistent message to ALL legislators. Please look at the vacancy list below. If you know of any board members in your district who would be great in our advocacy efforts, let us know.

Legislative Committee Vacancies

<u>LD #</u>	<u>County</u>		
4-alt	Camden, Gloucester	18-alt	Middlesex
5-mem	Camden, Gloucester	30-mem	Monmouth, Ocean
5-alt	Camden, Gloucester	31-alt	Hudson
13-mem	Monmouth	33-alt	Hudson
14-alt	Mercer, Middlesex	34-alt	Essex, Passaic
17-alt	Middlesex, Somerset	35-mem	Bergen, Passaic

Since the last report, the Committee met on May 8, 2021 and September 18, 2021 during which it heard from invited guest speakers, received updates from the governmental relations staff, and held discussions on various timely educational and legislative issues.

May 8, 2021

Opening Remarks: Dr. Cortellino opened the virtual meeting by thanking the Committee members for their continued efforts on continuing to promote advocacy, especially during the pandemic. Opening comments were provided from President Michael McClure and Dr. Larry Feinsod, followed by quorum count and new board member introductions.

Dr. Cortellino and Dr. Feinsod provided an introduction of the meeting's invited guest speakers from the NJ Department of Education: Dr. Lisa Gleason, Assistant Commissioner, Division of Academics and Performance; and Ms. Diana Pasculli, Deputy Assistant Commissioner. Following opening remarks by both Dr. Gleason and Ms. Pasculli, they discussed a number of education-related topics with the Committee. These included:

- The NJDOE's process for developing a "Road Forward" for the safe operation of NJ schools. The process will include stakeholder engagement efforts, building a compilation of guidance and resources for districts, and the creation of a "readiness checklist".
- Funding streams from the recent federal stimulus packages, including details on the Learning Acceleration Grants and Mental Health Grants.

- Standardized assessments and the flexibility NJ applied for and obtained from the federal government regarding the administration of assessments in the current and 2021-2022 school years.
- The delay in implementation of the New Jersey Student Learning Standards.

Following their informative presentation, Dr. Gleason and Ms. Pasculli provided the following resources related to topics that were covered during the meeting:

- **Federal Funding NJDOE Webpage:** <https://www.nj.gov/education/esser/>
- **Prerequisite Skills/Focus Standards:**
<https://www.nj.gov/education/cccs/instructionalunits/conceptsandskills/>
- **SY 2020-21 Federal Assessment Flexibility and Accountability Waiver Updates:**
<https://www.nj.gov/education/broadcasts/2021/april/USEDsDeterminationRegardingNJRequirementsToAdminister2020-2021StatewideAssessments.pdf>
- **2020 NJSLs Implementation:** <https://www.nj.gov/education/cccs/2020/>

The guests from NJDOE also provided the following additional resources on issues not covered during the meeting:

- **Graduation Reminders for Class of 2022:**
<https://www.state.nj.us/education/assessment/docs/GradReq.pdf>
- **School Performance Reports Released March 2021:** <https://rc.doe.state.nj.us/>
- **Bridge Year Pilot Program:**
https://www.nj.gov/education/covid19/boardops/docs/NJDOE_BridgeYearGuidance.pdf

Committee members had the opportunity to submit individual questions to Dr. Gleason and Ms. Pasculli via the Chat room, with Mr. Pushman moderating their presentation. Both the Chat room transcription and recording were sent to Committee members.

Legislative Updates: Mr. Pushman stated the Governor signed legislation on May 5th that concerns cooperative purchasing arrangements and was supported by NJSBA. The law will require the NJDOE to enter into arrangements with cooperative purchasing agencies to help districts procure COVID-19 health and safety related materials. The Association will work closely with the NJDOE on implementation of the legislation (A-4461), which aimed at helping districts safely reopen – and keep open – their school buildings.

Mr. Christopher Jones provided a recap of the State Budget. The Association has stated it appreciated the proposed addition of \$578 million in education formula aid, which will benefit the majority of the state's school districts. The governor's proposed \$44.8 billion state budget

would also include the following education-related items: expansion of state investment in pre-K education by \$50 million, including \$26 million for new programs; an increase in Extraordinary Special Education Aid by \$25 million; and \$50 million in Stabilization Aid for districts experiencing reductions in state aid. NJSBA is also supportive of the proposal to increase Extraordinary Special Education funding. If adopted, this would represent a 55% increase in funding in four years. The state has been making an effort to get this line item to full funding, which the NJSBA strongly supports. However, it should also be noted these costs continue to rise as well. From fiscal year 2019 to fiscal year 2021, Extraordinary Special Education Aid was increased in the budget by \$80 million. Over the same time span, the costs incurred by districts for these expenses increased by a little over \$52 million.

The State Treasurer testified before the Senate and Assembly Budget committees. The Acting Commissioner of the NJDOE testified before the Senate Budget and Appropriations Committee, and will appear before the Assembly Budget Committee later this spring. One key point in the testimony of the Treasurer is that the state will be flush with cash this year due to higher than anticipated revenue collections, borrowing authorized in 2020, and federal stimulus dollars.

The Legislature has until June 30 to adopt the FY2022 state budget. Mr. Jones mentioned there will be more information coming over the next six weeks.

Acting NJDOE Commissioner Testimony to Budget Committees

https://www.njleg.state.nj.us/legislativepub/budget_2022/Allen-McMillan_testimony_04082021.pdf

Mr. Jones mentioned two federal bills that will be under consideration during the summer: the proposed American Families Plan and the American Jobs Plan. The American Jobs Plan would provide funding to school districts to help them build new carbon-neutral schools, or rebuild them to meet that criteria. The American Families Plan also contains education-related items, such as funding for universal pre-K and free community college.

Additional information on these proposals can be found on the following webpages:

- **American Families Plan** (Proposed)
<https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/28/fact-sheet-the-american-families-plan/>
- **American Jobs Plan** (Proposed)
<https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>

Mr. Pushman reminded the Committee of the “Chapter 44” sample resolution NJSBA drafted, and boards of education can adopt, urging the Legislature and Governor to provide financial relief to districts experiencing increases in health care costs under the new law. The Association has continued discussions with the Legislature on this issue. NJSBA hopes to protect the gains that some districts experienced as their health care costs decreased under Chapter 44, while also

advocating for relief for those districts that saw their health care costs increase following implementation. The sample resolution is available on the NJSBA website:

“Chapter 44” Sample BOE Resolution

<https://www.njsba.org/news-publications/school-board-notes/february-23-2021-vol-xliv-no-32/sample-resolution-available-for-boards-to-urge-relief-from-chapter-44-costs/>

Mr. Pushman provided information on the National School Boards Association’s Advocacy Institute event, which will be held from June 8 through June 10. In the past, it has been in-person in Washington D.C., but this year will be virtual due to COVID-19. June 10 will be the “Virtual Day on the Hill” and has been reserved for board members to meet with members and staff of the state’s congressional delegation. The Association has confirmed the participation of representatives of both of the state’s US Senate offices, as well as several Congressional representatives or staffers, who will meet with registered attendees. Additional information was provided in the meeting materials, along with the registration link.

Mr. John Burns reviewed several bills. The first was S-3434, the Special Education bill that concerns students who will “age out” of eligibility for special education services over the next several years. This bill was passed by the Senate, and is currently under consideration by the Assembly. The Association had several concerns with the bill as introduced; in particular that it could impose an unfunded mandate on districts. The legislation has been amended to include a funding mechanism. Districts will use their federal funds received by the COVID-19 stimulus packages, and any additional expenses not covered by federal funding will be covered by the State general fund. The Association still has some concerns, as this bill establishes a requirement that is already addressed in Federal law, which stipulates that if a parent is concerned their child is not receiving the services they are entitled under their individualized education program (IEP), the parent can request the IEP team to convene and address that deficiency. This bill now explicitly requires districts to meet with students aging out to address this issue. NJSBA has also argued that having an additional year of services for these students may not be educationally appropriate, as IEP’s are specific to each student’s needs.

- **S-3434:** Requires boards of education to provide special education and related services to certain students exceeding age of eligibility for special education and related services. https://www.njleg.state.nj.us/2020/Bills/S3500/3434_R1.PDF .

The next bill, A-4693, is scheduled for the Assembly Education Committee this week. The bill provides an amendment to the School Ethics Act as it relates to “political activities” of school officials. There are several difficulties with this legislation. The types of activities prohibited in the bill are already addressed and regulated through other portions of the School Ethics Act. The other problem is the term “political activities” is not defined anywhere in the legislation. The NJSBA has argued there is a delicate balance in terms of a board member’s ethical duty as a school official and First Amendment protections. This bill will upset that balance.

- **A-4693:** Amends School Ethics Act to prohibit school official from using or attempting to use official position to promote or advance political activities within 90 days of election. https://www.njleg.state.nj.us/2020/Bills/A5000/4693_I1.PDF

Mr. Burns also reviewed several proposals discussed at the May 5, 2021 State Board of Education meeting. Below are the materials from that meeting that were distributed to the Committee:

- **Materials from the May 2021 meeting of the State Board of Education**
<https://www.nj.gov/education/sboe/meetings/agenda/2021/May.shtml>
- **Standards and Assessments**
<https://www.nj.gov/education/sboe/meetings/agenda/2021/May/public/5e2%20Standards%20and%20Assessments%20presentation.pdf>

The State Board is reviewing the Standards and Assessments regulatory proposal. Two years ago, the NJDOE proposed changes to the regulations and originally stated that students would not have to sit for the Math and English Language Arts assessments in order to access the portfolio appeals process. The proposal then came forward to the State Board, and the NJDOE had changed the proposal, such that students would have to sit for and fail the assessment before accessing the portfolio appeals process. Several organizations argued that the NJDOE did not provide adequate notice of this change. The State Board will now allow time for public comment on the changes before it brings the proposal back for adoption:

- **School District Operations**
<https://www.nj.gov/education/sboe/meetings/agenda/2021/May/public/5g2%20School%20District%20Operations%20Presentation.pdf>

In addition, below are links that were provided through the Chat Room:

- **S-3531:** Requires public schools to offer or expand summer school programs to students.
https://www.njleg.state.nj.us/2020/Bills/S4000/3531_I1.PDF
- **Resolution to Amend the 2020 New Jersey Student Learning Standards Curriculum Implementation Schedule**
<https://www.nj.gov/education/sboe/meetings/agenda/2021/May/public/5d%20Item%20D%20Resolution%20to%20Amend%20the%20Implementation%20of%20the%20New%20Jersey%20Student%20Learning%20Standards.pdf>

Committee Sharing: A motion was moved to approve the 2021-2022 Legislative Committee meeting dates. John Vander Molen moved to approve. The motion was duly seconded by Peter Castellano. The motion carried with all in favor and no opposition. Mr. Vander Molen asked that the Association consider holding future Committee meetings in-person to allow members the opportunity to collaborate more efficiently.

September 18, 2021

Opening Remarks: Dr. Cortellino opened the virtual meeting by having a moment of silence in remembrance of Mr. John Vander Molen, a long-time member of the Legislative Committee and

a tireless advocate for public education. Active as a board of education member since the mid-1970s, Mr. Vander Molen was vice president of the Manchester Regional High School Board of Education when he died. A resident of Prospect Park, Passaic County, Mr. Vander Molen also was active with the Passaic County School Boards Association, and he served on the New Jersey School Boards Association's Board of Directors.

Dr. Cortellino thanked the Committee members for their continued efforts on continuing to promote advocacy, especially during this difficult time during the pandemic. Ms. Irene LeFebvre was welcomed as President, and she and Dr. Larry Feinsod both extended their appreciation for the Committee members' outstanding efforts in advocating for each child affected during these unprecedented times.

Dr. Cortellino and Dr. Feinsod provided an introduction of the meeting's invited guest speaker, Ms. Deborah Cornavaca, Deputy Chief of Staff for Outreach, Office of the Governor, State of New Jersey. Following Ms. Cornavaca's opening remarks, she discussed a number of education-related topics with the Committee. She also spent time answering members' questions through the Chat room. Topics of discussion included:

- The state's response to Hurricane Ida as it pertains to schools. She encouraged SDA districts to contact the SDA for any repairs.
- School district transportation challenges (i.e., school bus driver shortages) and the Murphy Administration's commitment to finding short and long-term solutions. Among other potential solutions, they are working to reduce testing wait times at the NJMVC and exploring the deployment of the National Guard (which Massachusetts recently did). She offered assistance to any districts experiencing difficulty getting drivers through the CDL licensing process.
- The state's utilization of some of the funding it received through the American Rescue Plan Act (ARPA). \$600 million is being set aside to pay for the new law providing an additional year of special education for certain students who would ordinarily "age out" and no longer be eligible. Another \$180 million was allocated in the state budget towards HVAC and water infrastructure improvements, with a portion set aside for schools. Ms. Cornavaca cautioned districts to use federal funds primarily for one-time, and not recurring, expenses. This will help them avoid a "fiscal cliff" once the money runs out and any new programs/initiatives/staff would no longer be funded with federal dollars.
- The process moving forward for spending the remaining state set-aside of ARPA funds. Approximately \$5 billion remains, and much will depend on the outcome of the infrastructure bill being debated in Congress.
- The status of COVID-19 in New Jersey, including the state's vaccinations efforts and school staff testing programs. She offered the Administration's assistance in hosting events to increase vaccination of eligible students.
- The expectation that districts will comply with the masking mandate, and the Administration's hope that it will be lifted as the rate of infection decreases and vaccination rates increase (particularly once younger students become eligible).
- Virtual learning and the possibility of allowing for it post-pandemic. While the Governor was not in favor of it pre-COVID, she acknowledged that discussions will take place on

the issue moving forward. Equity and the potential strain on resources are a couple of the issues that would need to be addressed. She encouraged a dialogue on what the “new normal” will look like.

Following the meeting, Ms. Cornavaca shared the following information and resources.

The Department of Health Dashboards:

Department of Health | Communicable Disease Service | New Jersey COVID-19 Dashboard
https://www.nj.gov/health/cd/topics/covid2019_dashboard.shtml

- A tab on the dashboard includes data school outbreaks and cases by municipality.
- Under vaccination overview, using the arrow at the bottom of the dashboard, scroll over to second screen to see doses administered by age (that is percentage of population). Below is information below about percentage of the 12-17 population vaccinated.

Vaccination rates for school age children as of the week of September 6:

12-15 year olds	53.3% vaccinated
16-17 year olds	67.9% vaccinated
18-29 year olds	71.1% vaccinated

- **If a district is interested in hosting a vaccine event** (whether it be an information session or actual vaccine administration), they can reach out to Ms. Cornavaca (Deborah.cornavaca@nj.gov) and Mehnaz Mustafa at the Department of Health (mehnaz.mustafa@doh.nj.gov) to request assistance.

The Federal COVID Testing Program information: Assure Covid-19 Testing - Affinity Empowering
<https://www.affinitytesting.com/hhs/>

IDA Recovery and Assistance can be found here: Tropical Storm Ida Resources. This includes a link to file for FEMA Disaster Assistance
<https://www.nj.gov/ida/>

Legislative Updates: Mr. Jonathan Pushman provided an overview of significant legislative activity since the last committee meeting in May. Mr. Pushman directed members to refer to the “Governmental Relations Update” that was attached to the agenda. The document includes a summary of the FY2022 state budget, recent enactments, education-related bills which are pending on the governor’s desk, and various NJDOE and State Board of Education actions.

Mr. John Burns provided updates on recent State Board activity. The State Board rescinded its April 2020 emergency action permitting boards of education to provide instruction to special education students virtually during the pandemic. Although the declared public health emergency

has expired, P.L. 2021, c. 103 provides that rule waivers/suspensions/modifications adopted under the authority of Executive Order 103 will expire on January 11, 2022. P.L. 2021, c. 103 also allows agency heads to terminate rule waivers/suspensions/modifications prior to the expiration date. Since all schools will be returning to full-time, in-person instruction for the 2021-2022 school year, the State Board approved the termination of the special pandemic rule. If certain conditions require a school to be closed or in-school instruction for more than three school days, P.L. 2020, c. 27 will allow special education and related services to be provided through electronic communications, virtual, or other online platforms during the closure. Districts may still provide related services virtually up to January 11, 2022.

The State Board adopted updated regulations on standards and assessment. The most significant change to this proposal concerns the portfolio appeals process. Current seniors and juniors have three avenues to meet the graduation exam requirement. For these classes, there is no requirement that a student take a particular assessment prior to participating through the portfolio appeals process. However, the classes of 2023, 2024, and 2025 will have a new graduation exam that will be a comprehensive assessment – rather than an end-of-course test – and will include geometry standards, making it more rigorous than the current graduation assessment standard of Algebra I. Under this revised rulemaking, the classes of 2023, 2024, and 2025 will also be able to use a non-standardized, portfolio appeals option or a menu of substitute competency tests. However, students will be required to take the state graduation proficiency test before accessing the substitute competency tests or portfolio appeals process. The NJDOE has also produced a memo on the topic for districts.

Mr. Burns discussed several bills that were enacted as laws:

Anti-Hazing Policies S-84/A-3149: Requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands activities encompassing criminal hazing and upgrades penalties for engaging in these activities. (P.L.2021, c.208)

Civics Instruction S-854/A-3394: "Laura Wooten's Law"; Requires civics instruction in middle school; authorizes New Jersey Center for Civic Education to provide curricula, professional development and technical assistance for middle and high school civics. (P.L.2021, c.185)

Grade Retention A-5365/S-3872: Permits parent or guardian to request grade retention for students during 2021- 2022 school year. (P.L.2021, c.141). Through the legislative process, this was amended to state the parental requests starts the process, but it still is ultimately the decision of administration and other personnel as to whether or not the parent request would be granted.

Student Surveys A-5597/S-3801: Permits school districts to administer student health surveys after prior written notification to parents and legal guardians. (P.L.2021, c.156)

Grade Retention A-5365/S-3872: Permits parent or guardian to request grade retention for students during 2021- 2022 school year. (P.L.2021, c.141)

Special Education ‘Aging Out’ S-3434/A-5366: Requires boards of education to provide special education and related services to certain students exceeding the age of eligibility for special education and related services. (P.L.2021, c.109)

NOTE: Upon signing the bill, Governor Murphy announced the bill, which could cost approximately \$600 million, will be funded entirely through the American Rescue Plan State Fiscal Recovery Fund

Mr. Burns discussed the following bills that are on pending on the Governor’s desk:

School Bus Safety A-5817/S-3852: Revises violation and fines for approving or assigning unauthorized individuals as school bus drivers.

Bus Contractor Blacklist A-5818/S-3849: Provides for debarment of school bus contractors for certain violations; requires certain information in pupil transportation.

Student Journalists’ Rights S-108/A-169: Concerns speech rights of student journalists at public schools and public institutions of higher education.

Regionalization S-3488/A-5537: Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization.

Youth Services Program Grants A-4435/S-2717: Requires DCF to give priority to certain school districts with student mental health counseling centers in awarding grants under School Based Youth Services Program.

Loan Redemption S-969/A-2687: Establishes loan redemption program for teachers in certain fields to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain low performing schools.

Special Education Unit S-2160/A-5701: Creates special education unit within the Office of Administrative Law; requires annual report.

Mr. Pushman discussed the recent amendments to the school employees’ health benefits reform law, commonly referred to as “Chapter 44”, which was enacted in mid-2020. While some districts have achieved savings under the new law, others have unfortunately suffered losses. Amendments now explicitly authorize boards of education and unions to collectively bargain changes to the health benefit plans and employee contributions established by the law. In addition, boards and unions are directed to engage in negotiations in order to “substantially mitigate” any financial losses a district has experienced as a result of “Chapter 44”.

There is currently a case pending before the Council on Local Mandates, filed by three school districts, claiming that Chapter 44 is an unfunded mandate:

<https://www.state.nj.us/localmandates/pending/FTBOECOLM0001-21.html>

Mr. Pushman discussed a roundtable Senate President Steve Sweeney and Senate Education Chair Teresa Ruiz hosted with various statewide education groups to discuss how districts are spending, or plan to use, the funding that they have received from federal stimulus packages. NJSBA was invited to participate and was represented by Dr. Feinsod and President LeFebvre, with the support of Governmental Relations department staff. This provided an opportunity for the Association to make the Senators aware of the various challenges currently faced by school boards.

Mr. Pushman discussed the NJDOE releasing its plan for the use of funds it received under the federal American Rescue Plan (ARP) enacted earlier this year, and members can find additional information on the NJDOE website:

- Broadcast Memo:
<https://www.nj.gov/education/broadcasts/2021/sept/15/ARPESSERFundsAdditionalAllocations.pdf>
- Allocations Table:
https://www.nj.gov/education/esser/docs/ARP_ESSER%20III%20Fund%20Allocation%20Table.pdf
- NJDOE ARP ESSER webpage:
<https://www.nj.gov/education/esser/arp/>

Mr. Pushman mentioned that the Legislature went into recess after they adjourned in late June, and will be entering the “lame duck” session when they return following the November election. All 120 legislative seats are up for election, and they are actively campaigning.

Upcoming Association events include the annual NJSBA Workshop 2021. The Legislative Panel for the virtual conference has been confirmed:

- Senate Education Committee Chair M. Teresa Ruiz (D-29)
- Senator Steven Oroho (R-24)
- Assembly Education Committee Chair Pamela Lampitt (D-6)
- Assembly Minority Leader Jon Bramnick (R-21)

The Panel session is scheduled for Wednesday, October 27 at 1:30PM. Potential questions and discussion items will be solicited from Committee members prior to the conference, as was done last year and deemed very successful.

The semi-annual Delegate Assembly meeting is scheduled to take place virtually on Saturday, November 20. The Association received no resolutions prior to the submission deadline (September 16). The Resolutions Subcommittee will meet virtually on Tuesday, October 12, 5:00PM to conduct a sunset review of NJSBA policies.

Committee Sharing:

Mr. Pushman discussed the development of the 2022-2023 Advocacy Agenda. He explained that, pursuant to NJSBA Bylaws, the Committee is charged with developing and approving a legislative agenda and advocacy plan every two years. Once approved by the Committee, it will be submitted to the Board of Directors for final approval. The Committee was given a

“homework assignment” to review the current 2020-2021 Advocacy Agenda and be prepared to discuss/approve at the December meeting. It will then go before the Board of Directors at its January meeting. Mr. Pushman encouraged the Committee to submit any questions and comments before the December meeting to the Governmental Relations staff.

NJSBA Bylaws : <https://www.njsba.org/wp-content/uploads/2016/02/delegate-assembly-bylaws.pdf>

Staff

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New Jersey School Boards Association

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LEGISLATIVE COMMITTEE ROSTER **11-20-21**

State District	Name	Title	Board of Education
1	Michele Barbieri	Member	Upper Township (Cape May)
	Josephine Sharpe	Alternate	Wildwood City (Cape May)
2	Peter Castellano	Member	Egg Harbor Township (Atlantic)
	Kristy Bird	Alternate	Egg Harbor Township (Atlantic)
3	Carolyn Kegler	Member	Logan Township (Gloucester)
	Cheryl Potter	Alternate	Elk Township (Gloucester)
4	John Shaw	Member	Winslow (Camden)
	Vacancy	Alternate	
	Maryjo Dintino	Resource	Gloucester Township (Camden)
5	Vacancy	Member	
	Vacancy	Alternate	
6	Joyce Miller	Member	Gibbsboro (Camden)
	Carol Matlack	Alternate	Cherry Hill (Camden)
7	Lester Holley	Member	Edgewater Park (Burlington)
	Sean Toner	Alternate	Palmyra (Burlington)
8	Janet DiFolco	Member	Mount Holly (Burlington)
	Barry Fitzgerald	Alternate	Lenape (Burlington)
9	Kim Hanadel	Member	Pinelands (Ocean)
	Regina Discenza	Alternate	Lacey Township (Ocean)
10	Steve Shohfi	Member	Lavallette (Ocean)
	Michael Horgan	Alternate	Toms River (Ocean)
11	Bob English	Member	Eatontown (Monmouth)
	Dr. Paul Christopher	Alternate	West Long Branch (Monmouth)
12	Angela Reading	Member	Northern Burlington Reg. (Burlington)

	Tara Rivera	Alternate	Jackson (Ocean)
13	Vacancy	Member	
	Matthew Kitchen	Alternate	Keansburg (Monmouth)
14	Elliott Stroul	Member	Jamesburg (Middlesex)
	Vacancy	Alternate	
15	Jo Ann Groeger	Member	Lawrence Township (Mercer)
	Deborah Linthorst	Alternate	Hopewell Township (Mercer)
16	Barry Nathanson	Member	South Brunswick (Middlesex)
	Jean Trujillo	Alternate	Hillsborough (Somerset)
17	Anthony Brooks	Member	North Brunswick (Middlesex)
	Vacancy	Alternate	
18	Deborah Boyle	Member	South Plainfield (Middlesex)
	Vacancy	Alternate	
19	Daniel Harris	Member	Woodbridge (Middlesex)
	Lynn Kasics	Alternate	South Amboy (Middlesex)
20	Delia Ware Tibbs	Member	Roselle (Union)
	Jerry Jacobs	Alternate	Elizabeth (Union)
21	William Hulse	Member	Cranford (Union)
	Robin McKeon	Alternate	Bernards Township (Somerset)
22	Deborah Bridges	Member	Rahway (Union)
	Sharon Schueler	Alternate	Middlesex Borough (Middlesex)
23	Teresa Kane	Member	Milford (Hunterdon)
	Lisa Marshall	Alternate	Warren Hills (Warren)
24	Robert Carlson	Member	Wallkill Valley Regional (Sussex)
	Raymond Morris	Alternate	Newton (Sussex)
25	Dino Cappello	Member	Denville (Morris)
	Michael Bertram	Alternate	Morris Hills Regional (Morris)
26	Alison Cogan	Member	Parsippany Troy (Morris)
	Nancy Helbourg	Alternate	Rockaway Township (Morris)
27	Pamela Chirls	Member	Livingston (Essex)
	Jennifer Tunncliffe	Alternate	West Orange (Essex)

	Erin Siders	Resource	South Orange-Maplewood (Essex)
28	Jill Fischman	Member	Bloomfield (Essex)
	Dawn Haynes	Alternate	Newark (Essex)
29	Nelson Barrera	Member	Belleville (Essex)
	Hasani Council	Alternate	Newark (Essex)
30	Vacancy	Member	
	Mary Rose Malley	Alternate	Howell Township (Monmouth)
31	Lorenzo Richardson	Member	Jersey City (Hudson)
	Vacancy	Alternate	
32	Christina Stefani-Rackow	Member	Edgewater (Bergen)
	Adam Parkinson	Alternate	West New York (Hudson)
33	Melanie Tekirian	Member	Hoboken (Hudson)
	Vacancy	Alternate	
34	Judith Bassford	Member	Clifton (Passaic)
	Vacancy	Alternate	
	Cameron B. Jones, Sr.	Resource	East Orange (Essex)
35	Vacancy	Member	
	Anyelis Diaz	Alternate	Haledon (Passaic)
36	Jeanine Ferrara	Member	Little Ferry (Bergen)
	Michael Jacobs	Alternate	Ridgefield (Bergen)
	William Barnaskas	Resource	Bergen County Spc Svcs (Bergen)
37	Paula Colbath	Member	Fort Lee (Bergen)
	Denise Villani	Alternate	Cresskill (Bergen)
38	John Walsh	Member	Oradell (Bergen)
	Caleb Herbst	Alternate	River Edge (Bergen)
39	Charles Caraballo	Member	Bloomingtondale (Passaic)
	Jeffrey Pollack	Alternate	Dumont (Bergen)
40	Catherine Kazan	Member	Wayne (Passaic)
	Mary Ellen Nye	Alternate	Ho-Ho-Kus (Bergen)



REPORT OF THE SCHOOL FINANCE COMMITTEE

By

Catherine Kazan, Chair

Prepared for the Semiannual Delegate Assembly

November 20, 2021

CHARGE:

The School Finance Committee is a Standing Committee of the Association consisting of nine members appointed annually by the president. The committee shall monitor the school funding law in New Jersey and its impact on all types of school districts in the state. The committee shall also study issues relating to school finance, report periodically to the Delegate Assembly, recommend additions, modifications, or deletions to policy as needed, and take any other action as directed by the president, executive board, Board of Directors or Delegate Assembly.

REPORT:

Since the May 15, 2021 Delegate Assembly, the School Finance Committee has met virtually once, on August 4, 2021.

August 4, 2021 meeting

Opening Remarks

Ms. Catherine Kazan (Chair) read the mission of the committee, which is to monitor the school funding laws in New Jersey that impact school districts, and study issues relating to school finance.

Discussion Items

Mr. Christopher Jones provided an update on the FY2022 State Budget that Governor Murphy signed into law in late June. The budget returns districts to the schedule embedded in S-2 for the redistribution of aid, and the additional aid for districts that have been chronically underfunded. The cuts from FY2021 were restored and increased per the aforementioned schedule.

Also included in the budget was Stabilization Aid, a \$50 million grant program for districts experiencing decreases in state formula aid. However, the Legislature included language prioritizing military-impacted districts in the grant process. Mr. Jones stated the New Jersey Department of Education (NJDOE) has not yet announced the criteria for districts submitting their applications for the grant but is expected to be announced via the traditional NJDOE broadcast bulletins. Mr. Jonathan Pushman mentioned NJDOE will be asking districts to provide a plan, explaining how they intend to fund operations in the future with this money.

In further discussion of the FY2022 budget, the Association was very pleased that Extraordinary Special Education funding was increased \$125 million to \$400 million. The Administration's original proposal included a \$25 million increase. Although appreciative of this proposed increase, NJSBA had emphasized the need for an even greater increase in its budget testimony. Ultimately, an extra \$100 million was added beyond the original administrative request.

Beyond the budget, the committee discussed the federal stimulus package; also known as the American Rescue Plan (ARP). Beyond direct aid to districts, ARP funding is being routed to the state for discretionary grants. The Governor’s office has been holding public hearings, one of which Mr. Jones attended on behalf of NJSBA, to solicit feedback on how the state should spend this funding. He provided the committee a copy of the testimony submitted to the Governor’s office.

The committee shared their thoughts in how districts will be handling the social and emotional needs of students, as well as school staff members, returning to school in September. Mr. Jones mentioned the Association has established the “Committee on Post-Pandemic Gaps in Academic and Social-Emotional Learning”, and has discussed the programs and practices that are successful in addressing these challenges.

Mr. Jones informed the Committee of a roundtable meeting hosted by Senate President Sweeney and Senate Education Chair Ruiz that was attended by Dr. Feinsod, Ms. LeFebvre, Mr. Jones and various education groups in attendance. The attendees discussed how districts plan to use funding they have received from federal stimulus packages.

A committee member inquired on the status of a claim brought by the Education Law Center (ELC). The ELC was arguing to the U.S. Department of Education (USDOE) that the “Maintenance of Equity” requirements in the ARP mandate the state maintain its existing funding to schools as a condition of receiving federal aid. Consequently, the cuts in direct state aid in the FY2022 budget conflicted with this ARP provision. The USDOE subsequently responded the state was not in violation of ARP as these reductions in state aid are in accordance with state law that predates ARP.

Next Steps

A member asked the feasibility of the Committee approaching Governor Murphy’s office in reexamining a bill that would permit districts to exceed the property tax cap to make-up for lost state aid. His district is already impacted by S-2, and the federal funds provides assistance for only one year. Mr. Jones stated he can propose revisiting the bill to the Governor’s office; however, it would most likely need to wait until November as it is doubtful the legislature will meet before then.

School Finance Committee 2020-2021

Catherine Kazan, <i>Chair</i>	Wayne	Passaic
George Babula	Harmony	Warren
Judith Bassford	Clifton	Passaic
Deborah Boyle	South Plainfield	Middlesex
Paula Colbath	Fort Lee	Bergen
Daniel Harris	Woodbridge Township	Middlesex
Joseph Steele	New Milford	Bergen
Jean Trujillo	Hillsborough	Somerset
Irene LeFebvre	NJSBA President	Ex Officio
Tammeisha Smith	NJSBA Vice President for Finance	Ex Officio

Resource

Michael Horgan
Matthew Kitchen
Cheryl Potter
Angela Reading

Toms River
Keansburg
Elk Township
Northern Burlington
Regional

Ocean
Monmouth
Gloucester
Burlington

Staff

Lawrence S. Feinsod, Ed.D.
Jonathan Pushman
Christopher Jones
Anette Airey

Executive Director
Director, Governmental Relations
Legislative Advocate
Coordinator



REPORT OF THE SPECIAL EDUCATION COMMITTEE

Lisa Marshall, Chair

Prepared for the Semiannual Delegate Assembly

November 20, 2021

As Chair of the Special Education Committee, I would like to report on the Special Education Committee's activities since the May 2021 Delegate Assembly.

CHARGE:

The Special Education Committee shall prepare and present appropriate testimony on special education issues affecting the delivery of special education services to children in New Jersey and in support of Association policies. The Committee shall report periodically to the Delegate Assembly and may recommend positions on special education issues for consideration by the Board of Directors.

MEETINGS:

The Special Education Committee met on August 18 and September 29, 2021. The agendas of those meetings included the topics and presentations outlined below.

Certification and Increasing the Supply of Special Education Teachers—The committee met with Kerri McGinley, Ed. D., Assistant Superintendent, Atlantic County Special Services School District, concerning the need to increase the supply of certified special education teachers, particularly those willing to work with students with multiple disabilities. The Joint Council of Special Services School Districts has a proposal to modify some of the endorsement requirements for special education teachers, which will hopefully increase the supply of available teacher candidates. Current requirements include that candidates not only have special education training but they must also have training in an academic subject. This means that special education teachers must have an endorsement not only in a specific academic subject area, but also in special education. The Joint Council of Special Services School Districts believes that this dual requirement of special education and academic subject specialization is not needed in every special education classroom and has the unintended consequence of restricting the supply of qualified candidates, leading to severe shortages in both the county special services and other school districts. The Joint Council is hoping to have legislation introduced to modify the current certification requirements which will increase the supply of qualified candidates.

Bus Drivers and Special Education—The Special Education Committee discussed the shortage of qualified bus drivers and the impact it has on special education students and their families. Members discussed how some districts were paying parents to drive their students to their out-of-district placements. The committee agreed that the bus driver shortage seemed to be more acute this year than in previous years. The committee understood that bus driver shortage has both a federal and state component. One of the possible solutions discussed was the possibility of the federal government developing a commercial driver license for school bus drivers only, that would focus on driver skills and safety and less on the mechanical knowledge that is currently needed to obtain the commercial driver license needed to drive a school bus.

SPECIAL EDUCATION COMMITTEE MEMBERS 2021-22

Member Name

Cherie L. Adams
Rita Barone
Sheli Dansky
Lisa Marshall, *Chair*
Holly Morell
Cathy A. Moncrief
Sharon Schueler
Eleanore Shaffer
James Gaffney

District Name

Belmar Bd. of Ed.
Watchung Hills Regional Bd of Ed.
River Edge Bd. of Ed.
Warren Hills Regional Bd. of Ed
Fort Lee Bd. of Ed.
Lindenwold Bd. of Ed.
Middlesex Borough Bd. of Ed.
Hampton Twp. Bd. of Ed.
Oakland Bd. of Ed.

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New Jersey School Boards Association

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REPORT OF THE RESOLUTIONS SUBCOMMITTEE

by

**Karen Cortellino
Vice President for Legislation/Resolutions**

**Prepared for the Semiannual Delegate Assembly
November 20, 2021**

The Resolutions Subcommittee met Tuesday, October 12, 2021 via virtual Webex, to review the resolutions that will come before the Semiannual Delegate Assembly on November 20, 2021.

The Association did not receive any resolutions prior to the official cutoff date on September 16 for the November 20, 2021 Semiannual Delegate Assembly.



RESOLUTIONS SUBCOMMITTEE OF THE LEGISLATIVE COMMITTEE

JANUARY--DECEMBER 2021

CHAIR **Karen Cortellino**, NJSBA VP for Legislation/Resolutions

REGION A - MEMBERS

District 2	Peter Castellano,	Egg Harbor Twp. BOE (Atlantic)
District 6	Joyce Miller,	Gibbsboro BOE (Camden)
District 7	Lester Holley,	Edgewater Park BOE (Burlington)
District 10	Steve Shohfi,	Lavalette BOE (Ocean)

REGION B – MEMBERS

District 11	Bob English,	Eatontown BOE (Monmouth)
District 14	Elliott Stroul,	Jamesburg BOE (Middlesex)
District 15	Jo Ann Groeger,	Lawrence Twp. BOE (Mercer)
District 17	Anthony Brooks,	North Brunswick BOE (Middlesex)

REGION C – MEMBERS

District 22	Sharon Schueler,	Middlesex Borough BOE (Middlesex)
District 24	Robert Carlson,	Wallkill Valley Regional BOE (Sussex)
District 26	Nancy Helbourg,	Rockaway Township BOE (Morris)
District 28	Jill Fischman,	Bloomfield BOE (Essex)

REGION D – MEMBERS

District 34	Judith A. Bassford,	Clifton BOE (Passaic)
District 36	Michael Jacobs,	Ridgewood BOE (Bergen)
District 37	Paula Colbath,	Fort Lee BOE (Bergen)
District 40	Catherine Kazan,	Wayne Twp. BOE (Bergen)

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REGION A – ALTERNATES

District 1	Michele Barbieri,	Upper Twp. BOE (Cape May)
District 3	Carolyn Kegler,	Logan Twp. BOE (Gloucester)
District 4	John Shaw,	Winslow Twp. BOE (Camden)
District 9	Kim Hanadel,	Pinelands Reg. BOE (Ocean)

REGION B – ALTERNATES

District 13	Matthew Kitchen,	Keansburg BOE (Monmouth)
District 16	Jean Trujillo,	Hillsborough BOE (Somerset)
District 19	Daniel Harris,	Woodbridge Twp. BOE (Middlesex)
District 20	Delia Ware Tibbs,	Roselle BOE (Union) - New

REGION C – ALTERNATES

District 23	Lisa Marshall,	Warren Hills BOE (Warren) - New
District 25	Michael Bertram,	Morris Hills Regional BOE (Morris)
District 27	Pamela Chirls,	Livingston BOE (Essex) - New
District 29	Nelson Barrera,	Belleville BOE (Essex) - New

REGION D – ALTERNATES

District 31	Lorenzo Richardson,	Jersey City BOE (Hudson) - New
District 38	John Walsh,	Oradell BOE (Bergen)
District 39	Charles Caraballo,	Bloomington BOE (Passaic) - New
District 40	Mary Ellen Nye	Ho-Ho-Kus BOE (Bergen)

EX-OFFICIO: Irene LeFebvre, NJSBA President, Boonton BOE (Morris)

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G:\DA\November 20, 2021\Resolutions Subcommittee\CommitteeRoster



REPORT OF THE RESOLUTIONS SUBCOMMITTEE
ON
The Periodic Review of Positions and Policies on Education
and review of
Sections 3000 (Business and Noninstructional Operations) and
4000 (Instructional and Support Personnel)
in accordance with GO/8700
By
Karen Cortellino, Chairperson
To the Semiannual Delegate Assembly
November 20, 2021

Review of Sections 3000 (Business and Noninstructional Operations) and 4000 (Instructional and Support Personnel): In accordance with GO/8700 which directs the review of Association positions and policies on education according to certain standards/criteria, staff have reviewed all policies classified as part of the 3000 and 4000 sections of the NJSBA Manual of Positions and Policies on Education. Staff have identified those policies which require reaffirmation and those which require change including wording, amendment or deletion.

Policies Recommended for Reaffirmation: Fifty-seven (57) policies were identified as still relevant and recommended for reaffirmation as written because the facts and philosophy remain current. These policies comprise List 1; copies of these policies follow List 1.

Recommendation: The Resolutions Subcommittee recommends approving reaffirmation of the Fifty-seven (57) policies included in List 1.

Policies in Need of Change: One (1) policy was in need of amendment or partial deletion for one or more of the criteria/standards established as requirements for recommending any changes to existing policies on education. This policy comprises List 2. A copy of this policy follows List 2 in format indicating the original policy, with **deletions in {brackets}**, **additions underlined**, with the reason for the recommended change at the end of the policy.

The criteria/standards against which the policies were reviewed are:

- A. Is the policy still relevant to today's education system and operation?

- B. Does the policy provide a basic philosophy or overarching belief on an issue to guide the actions of the Association?
- C. Does the policy address only a portion of a complex issue and not provide the comprehensive guidance necessary for thorough Association action?
- D. Has the action requested in policy been wholly or partially accomplished through legislative or State Board Action?
- E. Will a change to the policy affect any other policy area?
- F. Is the intent of this policy more appropriately addressed in another policy area?

Recommendation: The Resolutions Subcommittee recommends approval of the proposed changes to the one (1) policy included in List 2.



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PERIODIC REVIEW OF POSITIONS AND POLICIES ON EDUCATION

REVIEW OF SECTIONS 3000 AND 4000

BUSINESS AND NONINSTRUCTIONAL OPERATIONS/

INSTRUCTIONAL AND SUPPORT PERSONNEL

POLICIES RECOMMENDED FOR REAFFIRMATION WITHOUT CHANGES

FILE CODE	TITLE
3000	Business and Noninstructional Operations
3100	Budget Planning, Preparation and Adoption
3150	Official Adoption by Voters/Board of School Estimate
3151	Appeals
3210	Local Funds
3220	State Funds
3230	Federal Funds
3240	Tuition Income
3250	Income From Fees, Fines and Charges
3270	Sale, Licensing and Rental of Property
3290	Funds Management/Investing
3320	Purchasing Procedures
3324.1	Contracts
3326	Payment of Goods and Services

PERIODIC REVIEW OF POSITIONS AND POLICIES ON EDUCATION
Review of sections 3000 and 4000 –
Business and Noninstructional Operations/Instructional and Support Personnel
Policies recommended for reaffirmation without changes (continued)

3350	Tuition Expense
3400	Accounts
3515	Smoking Prohibition
3516	Safety
3530	Insurance Management
3541	Transportation
3541.1	Transportation Routes and Services
3541.3	Nonschool Use of District Vehicles
3541.31	Privately Owned Vehicles
3541.33	Transportation Safety
3542	Food Services
4000	Instructional and Support Staff
4110	Tenure
4111	Recruitment, Selection and Hiring – Certified Staff
4112.2	Certification
4112.5	Criminal History Check
4113.1	Load/Scheduling/Hours of Employment
4114	Transfer
4116	Evaluation
4117	Separation
4117.4	Reduction in Force/Abolishing a Position
4117.51	Withholding Increment
4119.23	Smoking, Drinking and Use of Drugs on School Premises
4119.24	Staff/Pupil Relations
4121	Substitute Teachers

PERIODIC REVIEW OF POSITIONS AND POLICIES ON EDUCATION
Review of sections 3000 and 4000 –
Business and Noninstructional Operations/Instructional and Support Personnel
Policies recommended for reaffirmation without changes (continued)

4131	Staff Development
4131.1	Inservice Education/Visitations/Conferences
4135	Negotiations/Bargaining Units
4135.1	Agreements
4135.3	Negotiations/Consultation
4135.11	Recognition/Personnel Covered
4135.16	Work Stoppages/Strikes
4140	Compensation and Related Benefits
4141	Salary Guides
4142	Salary Checks and Deductions
4144	Insurance/Workers' Compensation
4145	Retirement
4146.1	Employee Assistance Programs
4147	Employee Safety
4150	Leaves
4151.1	Personal Illness and Injury/Health and Hardship
4152	Vacations/Holidays
4211	Recruitment, Selection and Hiring – Noncertified Staff
4212.2	Certifications or Licensing
4217.50	Standards for Staff Discipline

POSITIONS AND POLICIES ON EDUCATION

Budget Planning, Preparation and Adoption

FILE CODE

3100

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, DA 12/16-SR]*
- Q. **The NJSBA believes** that it is detrimental to students, school programs, and taxpayers to have the state reduce projected school aid figures to school districts after the Commissioner of Education notifies school districts of their state aid entitlements by the statutory date of notification. *[Authority: DA 11/17-1, DA 11/21-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, DA 12/16-SR, DA 11/21-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. In instances where districts cannot meet their local share, per the state funding formula, those districts may be allowed to exceed statutory levy caps to meet the local share. *[Authority: DA 11/19-1]*
- 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, DA 12/16-SR, DA 11/21-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, DA 12/16-SR, DA 11/21-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, DA 12/16-SR, DA 11/21-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, DA 12/16-SR, DA 11/21-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, DA 12/16-SR, DA 11/21-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, DA 12/16-SR, DA 11/21-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, DA 12/16-SR, DA 11/21-SR]

Cross References:	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

Time Between Adoption of Budget and Election

The NJSBA believes that an adequate period of time should exist between the adoption of the budget and the budget's submission to the voters, in order to assure that no voter casting an absentee ballot will be disenfranchised. *[Authority: DA 6/86-14, DA 11/96-CR School Finance, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross Reference: 3100 Budget planning, preparation and adoption

Key Words: budget, voters

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, DA 12/16-SR, DA 11/21-SR]*

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

Key Words: budget, reductions restorations

POSITIONS AND POLICIES ON EDUCATION

Local Funds

FILE CODE

3210

Voter Approval of School Districts, Municipal, and County Budgets

- A. **The NJSBA believes** that local property tax increases are attributable to a combination of increases in county, municipal and educational budgets and that school districts' budgets should not be the only local expenditures that are subjected to voters' review and approval.
- B. **The NJSBA believes** that, until such time as there is no requirement in Type II districts to submit to the voters the Department of Education-approved annual school budget, municipal and county governments should be required to submit their budgets for annual voter approval [*Authority: DA 6/91-4, DA 6/93-10, DA 5/01-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR*]

Tax Replacement Funds

The NJSBA believes that a municipality's ratable base has a direct impact on the local school tax rate and that the local school district should receive a proportionate share of tax replacement monies paid for tax-exempt properties that would otherwise be collected by property taxes. [*Authority: DA 5/61-8, DA 6/77-CR Property Tax, DA 11/98-3, DA 5/97-1, DA 11/98-3, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR*]

Municipal Assessment and Property Tax Collection Procedures

- A. **The NJSBA believes** that municipal property assessment and tax collection procedures have a direct impact on the local school tax rate and that local school districts should receive the full share of school taxes collected by municipalities. [*Authority: DA 11/96-5, DA 6/79-17, DA 12/92-SR*]
- B. **The NJSBA believes** that all governing bodies should employ the school calendar tax year, (July 1 – June 30). Until that is accomplished, municipalities that operate under a “calendar year method” should be required to pay over to school districts, by January 15, the balance of that amount which is assessed and collected for school taxes in the calendar year. [*Authority: DA 6/88-13, DA 11/99-2*]
- C. **The NJSBA believes** that municipalities should make the first payment of school taxes that are assessed in any municipality, on the same date that taxes are due to other taxing entities. Notwithstanding state statute, a local Board of Education should be able to negotiate with the municipality for any other mutually agreeable payment schedule. [*Authority: DA 12/70-18, DA 12/91-Unfinished business – 8, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR*]

Property Tax “Circuit Breakers”

The NJSBA believes that any school finance system should limit the amount of local school property taxes to a certain percentage of taxpayers' personal income. [*Authority: DA 6/83-4, DA 6/84-CR Minimum Aid, DA 12/91-CR QEA, DA 5/96-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR*]

Tax-Exempt Properties

The NJSBA believes that in cases where students attend local public schools and reside in tax-exempt housing at a nonpublic school or independent institution of higher education, by way of a payment in lieu of taxes (PILOT) to the school district, the nonpublic school or independent institution of higher education should pay the out of district tuition of the per student cost of educating the students. [*Authority: DA 11/10-1, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR*]

Cross References: 1410 Local units
3100 Budget planning, preparation and adoption
3220 State funds
3230 Federal funds

Key Words: budget, property tax, voter approval, Nonpublic, independent institution, payment in lieu, PILOT

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 regular 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 regular 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, DA 5/17-SR, DA 5/17-CR (School Finance)]*
- 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), DA 5/17-SR, DA 5/17-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 alternative funding measures including consideration of various local option taxes 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, DA 5/17-SR, DA 5/17-CR (School Finance)]*
- 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), DA 11/21-SR]*

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 there are clear differences in the percentages and types of special education students served and the amounts being spent in different districts across the state when district size, district type and socio-economic status were examined. A census-based approach funds all districts similarly regardless of size, district type, or grouping. Certain special education categories have higher costs than do others, and the distribution of students by special education category is not consistent across all districts in the state. Some students are very costly to serve given the severity of their disabilities. *[Authority: DA 5/17-SR, DA 5/17-CR (School Finance)]*
- D. **The NJSBA believes** that using the district's actual enrollment of special education students combined with a "differentiated" method of funding for higher-cost students before the extraordinary aid threshold is reached would assist districts in addressing the limitations imposed by the two-percent levy cap. *[Authority: DA 5/17-SR, DA 5/17-CR (School Finance)]*
- E. **The NJSBA believes** that the School Education Task Force weight factor for districts with ESL/LEP students should increase as the frequency of this demographic indicator rises in proportion to the total student population. *[Authority: DA 5/17-SR, DA 5/17-CR (School Finance)]*

- F. **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 5/17-SR, DA 5/17-CR (School Finance)]*
- G. **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 5/17-SR, DA 5/17-CR (School Finance)]*
- H. **The NJSBA believes** that school districts should receive state aid based on the school funding formula in current New Jersey statute, without predetermined growth limits, and calculated based on the most recent and available student population statistics. *[Authority: DA 5/18-2, DA 11/21-SR]*

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, DA 11/21-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, DA 11/21-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, DA 11/21-SR]*

Cross References:	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

Federal Education Program Aid

- A. **The NJSBA believes** that the federal government has a responsibility to fund programs to address national issues and to meet the needs of special populations. Federal funds to the states and local districts should be adequate to provide quality programs.
- B. **The NJSBA believes** that consolidation of federal programs may be beneficial and that local boards of education should have flexibility in program design and implementation. *[Authority: BD 6/81, DA 5/96-SR, DA 5/97-CR (School Finance)]*
- C. **The NJSBA believes** that federal programs should be forward funded. Local districts should know well in advance of the beginning of the school year the amount of federal funds available in order to effectively plan for and maintain programs. *[Authority: BD 6/81, DA 5/96-SR, DA 5/97-CR (School Finance)]*
- D. **The NJSBA believes** that in the development of any public education funding formula, equitable geographic cost of living differentials should be considered. *[Authority: DA 11/01-Income Eligibility Task Force, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Impact Aid

The NJSBA believes that federal tax-exempt facilities within the state place financial burdens on local school districts. The federal government should authorize and fully fund impact aid to local districts to help support the education of all students who reside on federal tax-exempt property. *[Authority: DA 5/61-8, BD 2/63, DA 5/69-20, DA 6/77-CR (Property Tax), DA 12/85-7, DA 5/96-SR, DA 5/97-CR (School Finance), DA 11/01-SR, DA 11/05-1, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:	1430	State and national units
	3000	Concepts and roles in business and noninstructional operations
	3210	Local funds
	3220	State funds
	5151.5	Vandalism/violence
	5141	Health
	5200	Nonpublic school pupils
	6142.2	English as a second language; bilingual/bicultural
	6171.2	Gifted and talented
	6171.3	Economically disadvantaged and Title I
	6171.4	Special education
	6178	Early childhood education/preschool

Key Words: federal funds, impact aid

POSITIONS AND POLICIES ON EDUCATION

Tuition Income

FILE CODE

3240

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, DA 12/16-SR, DA 11/21-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, DA 12/16-SR, DA 11/21-SR]*

Cross References:	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

Income From Fees, Fines and Charges

FILE CODE

3250

Unclaimed Personal Property/Local Boards of Education Trust Fund

The NJSBA believes that local boards of education should be permitted to retain monies originating at the local board level, instead of allowing those monies to escheat to the State, in a manner similar to that which currently exists for the creation of trust funds for unclaimed deposits held by electric and gas utilities or for abandoned child support monies. *[Authority: DA 5/97-2, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Key Words: unclaimed personal property, trust fund

POSITIONS AND POLICIES ON EDUCATION

Sale, Licensing and Rental of Property

FILE CODE

3270

Taxation of Leased Properties

- A. **The NJSBA believes** that school district properties should remain exempt from taxation whenever such properties are leased to governmental entities or tax exempt nonprofit organizations for use in connection with the organizations' tax exempt functions.
- B. **The NJSBA believes** that it is important to be able to apportion school property into taxable and exempt portions, where such apportionment is consistent with the actual usage of the property. *[Authority: DA 6/82-16; DA 5/96-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Disposition of Monies from Sale or Lease of School Property

The NJSBA believes that boards of education should be permitted to place monies realized from the sale and/or lease of school properties into capital reserve accounts. *[Authority: DA 6/83-14; DA 5/96-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:

3100	Budget planning, preparation and adoption
3210	Local funds
7300	Financing

Key Words: taxation, tax-exempt, properties

POSITIONS AND POLICIES ON EDUCATION

Funds Management/Investing

FILE CODE

3290

Pension Fund Investment Programs

- A. **The NJSBA believes** that the objective of investment of pension funds should be to earn the highest rate of return within the parameters of State law.
- B. **The NJSBA believes** that sufficient resources should be devoted to retaining qualified personnel to administer the investments of State pension funds. *[Authority: DA 12/84-CR (Pension); DA 6/92-CR (Pension); DA 5/96-S, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross Reference: 4145 Retirement compensation

Key Words: investment, pension funds

Bid and Classification Thresholds

- A. **The NJSBA believes** that boards of education should have flexibility in awarding purchasing contracts based upon solicitation of quotations as opposed to the formal bidding process whenever they determine that a proper balance can be achieved between the board's need to obtain the best possible price with the least administrative burden and the need to prudently use and manage public funds. *[Authority: DA 6/81-11; DA 5/96-SR]*
- B. **The NJSBA believes** that the bidding threshold should be adjusted at reasonable intervals in accordance with indices that are generally accepted as current economic indicators. *[Authority: DA 12/70-16; DA 12/72-8; DA 1/80-12; DA 5/96-SR]*
- C. **The NJSBA believes** that adjustments to the classification of bidders threshold should occur proportionately to the bid threshold adjustments. *[Authority: DA 12/83-3; DA 5/96-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Disqualification/Rejection of Low School Bus Vendor Bid/Rejection Lowest Bidder

- A. **The NJSBA believes** local boards of education should be granted the authority to disqualify and reject the low bid of any bus company vendor based on previous unsatisfactory performance that did, in fact, cause harm to or had the potential to jeopardize the health, safety and well-being of school children, teachers, or chaperones, or any other district employee or representative being transported by a school bus vendor whether or not a contracted regular or field trip bus run.
- B. **The NJSBA believes** that school bus drivers should be required to provide proof of training regarding procedures to follow to better assure the health, safety, and well-being of school children, teachers, or chaperones, or any other district employee or representative being transported by a school bus vendor whether or not a contracted regular or field trip bus run. *[Authority: DA 5/97-5]*
- C. **The NJSBA believes** that local boards of education should be allowed to reject the lowest bidder if the lowest bidder has been found liable in one adjudicated case for non-completion or unsatisfactory performance (whether decided by a formal court hearing or arbitration) and/or if the lowest bidder has failed to complete a public contract. *[Authority: DA 12/94-2 and 3; DA 5/96-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 3324.1 Contracts
3541.33 Transportation safety
7420 Contracts

Key Words: bid, bidding, vendor, purchasing

POSITIONS AND POLICIES ON EDUCATION

Contracts

FILE CODE

3324.1

Illegal Practices of Public School Contractors

The NJSBA believes that illegal practices by public school contractors impair a board of education's ability to meet its obligations, cause serious financial harm and threaten the public trust. A Statewide system for investigating illegal practices by public school contractors who supply goods and/or services to school district should exist. *[Authority: DA 6/86-5; DA 5/96-SR; DA 11/96-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Privatization

The NJSBA believes that it is critical that a board of education be permitted to enter into subcontracting agreements whenever, for reasons of economy or in order to advance the best interests of the school district and the educational welfare of the children, the board determines such agreements are appropriate. Local boards of education should have a nonnegotiable, managerial prerogative to enter into subcontracting agreements. *[Authority: BD 4/94; DA 5/96-SR; 11/96-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:

3210	Local funds
3220	State funds
3230	Federal funds
3320	Purchasing procedures

Key Words: contractors, privatization, subcontracting

POSITIONS AND POLICIES ON EDUCATION

Payment for Goods and Services

FILE CODE

3326

Credit Card Purchases

The NJSBA believes that boards of education should be permitted to obtain and use credit cards to purchase items within the parameters of the law. *[Authority: DA 5/00-10; DA 5/01, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Electronic Purchasing

- A. **The NJSBA believes** that boards of education should be able to take advantage of electronic procurement technology and practices that result in streamlined purchasing procedures and more efficient use of taxpayer funds including the use of credit cards by authorized personnel.
- B. **The NJSBA believes** that the purchase of goods and services through the Internet and other electronic media, commonly known as E-commerce, can provide boards of education with a wider range of purchasing opportunities that may bring products at a better price while still ensuring the security and accuracy of transactions as well as protecting the integrity of public funds. *[Authority: DA 5/01-CR (Committee on E-Commerce), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Special Rates for Schools

The NJSBA believes that boards of education, as public entities entrusted to prudently administer public funds, should receive favorable treatment in terms of rates charged them whether these rates are specifically established by statute or by an entity empowered by statute to establish rates, such as a public utility. *[Authority: DA 12/69-40 and 41; DA 12/74-A; DA 1/79-23; DA 6/81-13; DA 6/95-11; DA 5/96-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 3320 Purchasing procedures
4142 Salary checks and deductions
7300 Financing

Key Words: credit cards, electronic purchasing, utilities

POSITIONS AND POLICIES ON EDUCATION

Tuition Expense

FILE CODE

3350

Tuition Charged by Abbott Districts

The NJSBA believes that additional funds should be provided to districts who send students to Abbott districts that will offset the additional tuition costs and would exempt tuition increases caused by the Abbott district status of the receiving district from the sending district's CAP/spending growth limitation. *[Authority: DA 6/93-8, DA 11/96-CR (School Finance), DA 11/98-CR (School Finance), DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 3100 Budget planning, preparation and adoption
3220 State funds

Key Words: tuition, Abbott, sending receiving

POSITIONS AND POLICIES ON EDUCATION

Accounts

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, DA 12/16-SR, DA 11/21-SR]*

Cross Reference: 3320 Purchasing procedures

Key Words: accounting, GAAP

POSITIONS AND POLICIES ON EDUCATION

Smoking Prohibition

FILE CODE

3515

Smoke Free Environment

The NJSBA believes that a smoke-free environment is important in protecting the health of students and staff and supports the prohibition of smoking in all school buildings and on school grounds. *[Authority: DA 12/88-2, DA 6/89-A, DA 5/96-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Key Words: smoking, environment

Safety Issues in Schools

- A. **The NJSBA believes** that all necessary and appropriate safety precautions and remedial actions need to be taken in the public schools in order to inform students, staff and the community of and protect them against contaminants, including those that are air- and water-borne, as well as any other hazardous substances and noise pollution which students, staff and members of the community may come in contact with on school property. *[Authority: DA 1/79-4 and 5; DA 1/80-3; DA 12/82-8; DA 6/90-7; DA 6/93-SR; DA 5/96-SR]*
- B. **The NJSBA believes** that the health and safety of students, staff and the community should be considered when sites are selected for hazardous waste disposal and solid waste burning. *[Authority: DA 1/79-Late 1; DA 12/87-11; DA 5/96-SR]*
- C. **The NJSBA believes** that boards of education should be provided relevant assistance, including, but not limited to, financial resources to address safety and remediation issues affecting school districts. *[Authority: DA 1/80-2; DA 6/81-B; DA 6/85-10; DA 12/85-8; DA 12/86-4; DA 5/96-SR]*
- D. **The NJSBA believes** that boards of education should be relieved from liability for the cost of the cleanup or removal of any accidental discharge of hazardous waste. *[Authority: DA 6/81-B; DA 5/96-SR]*
- E. **The NJSBA believes** that safety and remediation initiatives should recognize the special status of boards of education and school districts and accord appropriate treatment based upon this special status. *[Authority: DA 6/91-1; DA 6/93-3; DA 5/96-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Labeling Requirements of the Right to Know Act

The NJSBA believes that requirements to label containers of hazardous and non-hazardous substances under federal and state laws and regulations should be the obligation of manufacturers, producers, distributors, processors and their agents and that the responsibility should not be placed on local boards of education. *[Authority: DA 6/87-3, DA 6/88-1 & 1A, DA 11/96-SR, DA 5/02-SR, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:

1430	State and national units
3530	Insurance management
5142	Pupil safety
6114	Emergencies and disaster preparedness

Key Words: safety, hazardous substances

POSITIONS AND POLICIES ON EDUCATION

Insurance Management

FILE CODE

3530

Insurance Costs

- A. **The NJSBA believes** that boards of education should be able to avail themselves of insurance coverage at the lowest possible cost and should be able to pursue options in a competitive environment including, but not limited to, joint insurance funds and insurance pools (such as the New Jersey Schools Insurance Group), when selecting health benefits programs and liability insurance coverage. *[Authority: DA 6/79-CR (Insurance); DA 6/83-13; DA 6/86-16; DA 6/93-SR; DA 11/95-CR (Shared Services); DA 5/96-SR]*
- B. **The NJSBA believes** that liability insurance costs to boards of education should be kept at a minimum and that punitive and exemplary damage awards against boards of education should be prohibited in all cases and prohibited against board of education employees except in cases where the award is based upon a finding of actual fraud or malice, willful misconduct or an intentional wrong. *[Authority: DA 11/99-ER(A); BD 1/01]*
- C. **The NJSBA believes** that the New Jersey Tort Claims Act should be expanded to limit damages for pain and suffering recoverable by a plaintiff suing a public entity under the Act and permit a judge to assess the defendant public entity's court costs and attorney's fees against the plaintiff, his/her attorney, or both in the event of a frivolous suit brought under the Act. *[Authority: DA 12/77-7; DA 6/93-SR; DA 5/96-SR]*
- D. **The NJSBA believes** that the award of punitive or exemplary damages against a board of education in any legal action should be prohibited regardless of the applicability of any remedies available in common law or pursuant to statutory law including, but not limited to, any actions under the Law Against Discrimination, N.J.S.A. 10:5-1 et seq., and the Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq. *[Authority: DA 11/99-ER(A); BD 1/01]*
- E. **The NJSBA believes** increases in medical care costs must be contained in order to reduce the rate of increase in premiums. *[Authority: DA 5/03-2, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR]*
- F. **The NJSBA believes** that local school districts should not bear the financial burden of the Patient Protection and Affordable Care Act (PPACA) and that boards of education should be given legal authority to mitigate the potential consequences of the PPACA caused by surcharges or any other costs imposed, by shifting to less expensive health benefit plans, which may not be equal to or better than currently offered benefits, passing on the costs of particular health plans to their employees, and other actions necessary to reduce this impact. *[Authority: DA 5/16-5, DA 12/16-SR, DA 11/21-SR]*

Insurance Protection

- A. **The NJSBA believes** that boards of education should maintain appropriate insurance coverage for injuries, damages, errors and omissions.
- B. **The NJSBA believes** that insurance coverage should be available to boards of education for injuries, damages, errors and omissions related to the presence of asbestos in school buildings. *[Authority: DA 12/88-A; 5/96-SR]*
- C. **The NJSBA believes** there should be protection from liability to public schools and private non-profit organizations that use community service workers to ease the concerns of some agencies and expand the number of sites available for community service. *[Authority: 11/99-ER(A); BD 1/0 , DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Indemnification in Civil, Criminal, Quasi-Criminal and Administrative Proceedings

The NJSBA believes that board of education members and employees should be indemnified against the costs incurred in defending any action against the board member or employee arising out of or in the course of the duties as a board member or employee, except that:

A. In the case of board members:

1. In criminal or quasi-criminal proceedings, there should be indemnification only when the action results in a final disposition in favor of the board of education member.
2. In civil and administrative proceedings where exemplary or punitive damages are awarded, there should be no indemnification regardless of the final disposition of the matter.
3. Where there is an award of punitive or exemplary damages and when the acts on which the punitive or exemplary damages were based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong, indemnification should be at the board of education's discretion.

B. For board of education employees:

1. In criminal or quasi-criminal proceedings, there should be indemnification only when the action results in a final disposition in favor of the board of education employee.
2. In civil and administrative proceedings where exemplary or punitive damages are awarded or where the proceeding is a result of action initiated by the board of education either through a complaint filed by or on behalf of the board of education or an appeal of board of education action by the employee, there should be no indemnification regardless of the final disposition of the matter.
3. Where there is an award of punitive or exemplary damages and only when the acts on which the punitive or exemplary damages were based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong, indemnification should be at the board of education's discretion.
4. Where the proceeding is a result of action initiated by the board of education either through a complaint filed by or on behalf of the board of education or an appeal of board of education action by the employee, there should be no indemnification. *[Authority: DA 5/98-1 and 2, DA 11/01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 3516 Safety
4144 Insurance/workers' compensation
4147 Employee safety
5142 Pupil safety
9271 Code of ethics

Key Words: insurance, liability, indemnification

State Transportation Aid

- A. **The NJSBA believes** that State transportation aid should be provided to assist local districts in paying the cost of transporting children to and from school who live too far away to walk. *[Authority: DA 5/01-7]*
- B. **The NJSBA believes** the state should ensure sufficient resources for the transportation of students, including, but not limited to: 100% full-funding for all transportation costs; reimburse districts for unanticipated costs; and maintain the current 2 and 2 ½ mile busing requirement. *[Authority: DA 12/67-4, DA 12/72-11, BD 11/74, DA 5/74-CR (Transportation), DA 6/79-31, DA 12/81-8, DA 12/81-CR (Urban Education), DA 12/83-17, DA 12/92-CR (Transportation), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Shared Transportation Services

- A. **The NJSBA believes** that the transportation funding formula should foster cooperation among districts. Districts and communities should be encouraged to take advantage of existing public transportation systems to transport students to and from school where feasible, e.g., NJ Transit buses;
- B. **The NJSBA believes** that State funds should be set aside for transportation for shared advanced curriculum offerings among the school districts of the state. *[Authority: DA 6/89-CR Cooperative Transportation, DA 11/95-CR Shared Services, DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Two-Way Communication

- A. **The NJSBA believes** that the state should provide full transportation funding to school districts for installation of a two-way communications network in district bus fleets.
- B. **The NJSBA believes** that coordination should be encouraged between local police by using two-way communications to interface with the police. *[Authority: DA 6/87-5, DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Incentives for Financially Advantageous Transportation Arrangements

The NJSBA believes that the State Department of Education should design incentives for districts to seek the most financially advantageous and safe transportation arrangements for their students. *[Authority: DA 12/83-15, DA 11-01-SR, DA 11/06-SR, DA 12/16-SR, DA 11/21-SR]*

Bidding

The NJSBA believes boards of education should be permitted to provide mandated transportation of pupils on a per pupil, per mile, per vehicle or per route basis, when a district's alternative method would result in a cost savings to the district. *[Authority: DA 8/88-A, DA 5/96-SR, DA 11/96-CR (School Finance), DA 5/97-CR (School Finance), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:	3320	Purchasing procedures
	3541.1	Transportation routes and services
	3541.3	Nonschool use of district vehicles
	3541.31	Privately owned vehicles
	3541.33	Transportation safety
	5200	Nonpublic school pupils
	6171.1	Remedial instruction
	6171.2	Gifted and talented

Transportation (continued)

3541

6171.4 Special education

Key Words: transportation, funding, bidding

Transportation Aid

- A. **The NJSBA believes** that transportation provided by boards of education for students traveling along hazardous routes should be eligible for transportation aid.
- B. **The NJSBA believes** that there should be no penalty for districts implementing hazardous and courtesy busing programs which alleviate unsafe student pedestrian situations. Further, efficiency studies that are conducted by the state Department of Education must include the hazardous, courtesy and remote busing students in order to properly represent the real school bus efficiency factors. *[Authority: DA 6/82-11, DA 12/85-2, DA 12/85-5, BD 9/88, DA 12/92-CR (Transportation), DA 11/96-2, DA 5/98-6, DA 5/99-12, DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Subscription Busing

The NJSBA believes that boards of education should be able to provide for the transportation of non-remote pupils and charge parents/guardians a fee for the cost of the transportation. *[Authority: DA 12/94-17, DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Obligatory Transportation Services

The NJSBA believes that whenever in any district there are elementary school pupils who live more than two miles from their public school of attendance or secondary school pupils who live more than 2 1/2 miles from their public school of attendance, the district shall either provide transportation to and from school for these pupils or, in the alternative, submit a plan to the executive county superintendent documenting that some or all of these students have elected to use alternate forms of transportation. Such plan shall demonstrate how eligible students would be transported by the district in the event their alternative transportation was not available. *[Authority: DA 5/96-5, DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Sidewalks to be Required

The NJSBA believes that sidewalks should be required on both sides of the street for all newly approved residential developments. *[Authority: DA 5/96-6, DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Use of District Vehicles

The NJSBA believes that boards of education should be permitted to use district-owned vehicles as appropriate in order to make the most efficient and flexible use of those vehicles and provided that such use does not interfere with the normal delivery of the school children within the district. *[Authority: DA 5/96-7; DA 5/96-SR; DA 5/97-CR (School Finance), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:	1400	Local units
	3100	Budget planning, preparation and adoption
	3541	Transportation
	3541.3	Nonschool use of district vehicles
	3541.31	Privately owned vehicles
	3541.33	Transportation safety
	5142	Pupil safety
	5200	Nonpublic school pupils

Key Words: transportation, busing

POSITIONS AND POLICIES ON EDUCATION

Nonschool Use of District Vehicles

FILE CODE

3541.3

Nonschool Use of District Vehicles

The NJSBA believes that boards of education should be permitted to use district-owned vehicles for nonschool purposes as appropriate in order to make the most efficient and flexible use of those vehicles and provided that such use does not interfere with the normal delivery of the school children within the district.

[Authority: DA 6/82-10; DA 5/96-7; DA 5/96-SR; DA 5/97-CR (School Finance), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]

Cross References:

1410	Local units
3541	Transportation
3541.1	Transportation routes and services
5200	Nonpublic school pupils

Key Words: district vehicles

POSITIONS AND POLICIES ON EDUCATION

Privately Owned Vehicles

FILE CODE

3541.31

Transportation in Private Vehicles

- A. **The NJSBA believes** that boards of education should have the option to have students transported to and from school activities in private vehicles.
- B. **The NJSBA believes** that boards of education should have the option to transport small groups of students to and from curricular and extracurricular activities without the use of a specially licensed vehicle and without the requirement for the driver to possess a bus driver's license. *[Authority: DA 6/79-3; DA 6/93-SR; DA 5/96-SR; DA 5/97-CR (School Finance), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 3541 Transportation
3545.1 Transportation routes and services

Key Words: transportation, busing

Seat Belts

The NJSBA believes that local districts should continue to have the option of installing seat belts in Type I School Buses properly equipped for the addition of seat belts. *[Authority: DA 12/90-3, DA 5/96-SR, DA 5/99-CR (School Finance), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Vehicular Safety Features

- A. **The NJSBA believes** the state should continue to improve the following criteria for pupil transportation: all school buses be painted the National School Bus color of yellow; driver training be required; swing arms/bumper sensors be installed; Mechanic training; and bus aide training.
- B. **The NJSBA believes** that motorists must stop a minimum of twenty-five feet behind a school bus that has stopped to receive or discharge a child and agrees that vehicle identification alone is sufficient to charge the owner of a vehicle guilty of passing a stopped school bus. Motorists should be fined \$100 for a first-time offense.
- C. **The NJSBA believes** Type II school vehicles should be painted school bus yellow and equipped with red flashing lights in accordance with the most recent regulations promulgated by the United States Department of Transportation. The cost of renovating the vehicles should be assumed by the New Jersey Department of Education or by another state or federal reimbursement program. *[Authority: DA 12/73-15, DA 5/74-8, 9, DA 12/77-14, DA 6/80-10, DA 12/81-10, DA 6/82-9, DA 12/90-4, 5, DA 6/93-SR, DA 5/96-SR, DA 5/97-CR (School Finance), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Size of Buses

The NJSBA believes school boards should be allowed to own and operate buses having greater overall measurements and capacities than presently stipulated by state rules and regulations. *[Authority: DA 5/74-11, DA 5/96-SR, DA 5/97-CR (School Finance), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Life Span For Buses

The NJSBA believes the life span of all new buses should begin on the date of the New Jersey registration of the school buses. Districts should be allowed to use buses with chassis manufactured after October 1992 or buses with chassis manufactured prior to that date beyond twelve years providing they continue to meet all appropriate state and federal standards and pass their semi-annual New Jersey Motor Vehicle Commission inspections. *[Authority: DA 6/80-a, DA 6/80-9, DA 12/82-7, DA 5/96-SR, DA 5/97-CR (School Finance), DA 5/99-4, BD 1/01, DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Temporary "Pupil Transportation" Signs

The NJSBA believes that local boards of education should adopt the use of temporary "PUPIL TRANSPORTATION" signs for all non-typical Type II school vehicles transporting eight or fewer pupils. *[Authority: DA 12/86-6, DA 5/96-SR, DA 5/97-CR (School Finance), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:	3541	Transportation
	3541.1	Transportation routes and services
	4119.23	Smoking, drinking and use of drugs on school premises
	4212.2	Certification or licensing

Transportation Safety (continued)

3541.33

4217.50 Standards for staff discipline
5142 Pupil safety

Key Words: seat belts, safety, buses

POSITIONS AND POLICIES ON EDUCATION

Food Services

FILE CODE

3542

School Lunch Program

- A. **The NJSBA believes** that a school lunch program should be offered to all students. *[Authority: DA 6/85-CR (Nutrition), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Nutrient Content of Foods

- A. **The NJSBA believes** that meals provided to children should be as nutritious as possible and that the United States Department of Agriculture should ensure that students receive foods with less fat, sugar and salt and more whole grains and natural fiber.
- B. **The NJSBA believes** food of low nutritional value should be banned from school food service operations and vending machines. *[Authority: DA 6/82-6, DA 6/85-CR (Nutrition), DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Federal Food Program

The NJSBA believes the federally subsidized food program, bringing proper nutrition and diet within easy reach of families, makes it possible for all American children to be guaranteed a meal or a half-pint of milk at free or reduced cost, and that federal food programs should be funded at adequate levels of financial support. *[Authority: DA 5/66-4, DA 6/85-CR (Nutrition), DA 11-01-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Key Words: food service, nutrition

POSITIONS AND POLICIES ON EDUCATION

Tenure

FILE CODE

4110

Life-Time Tenure

- A. **The NJSBA believes** that, given the multitude of employment protection provided by a number of other laws, New Jersey's existing statutory system of life-time tenure is an outdated and unnecessary approach that impedes local school boards' ability to hold their tenured staff accountable for continued effectiveness of performance and productive contributions to the district's efforts to provide a quality educational program and environment for its students.
- B. **The NJSBA believes** that New Jersey's current system of life-time tenure should be replaced with a system of renewable employment contracts which balances employees' needs for employment security with boards' needs to hold staff accountable for continued performance effectiveness. *[Authority: DA 12/75 - CR (Middle Management Tenure), DA 12/77-CR (Teacher Tenure), DA 1/80-22, DA 6/92-3, DA 11/96-SR]*
- C. **The NJSBA believes** that until a system of renewable employment contract is enacted, the current process of life-time tenure should be modified and amended to improve boards' ability to hold their staff accountable and to facilitate the removal of ineffective tenured staff members. *[Authority: DA 5/75-12, DA 6/77-13b, DA 6/81-16, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

System of Renewable Employment Contracts for Teachers

- A. **The NJSBA believes** that the outdated life-time tenure system for teachers should be replaced by a statutory system of renewable contracts which includes:
- a probationary period of sufficient duration to evaluate teachers' effectiveness (such as three to five years) in which teachers would be offered one-year contracts, which would be renewed annually based on performance evaluations; and
 - a multi-year period (such as five years) of employment where teachers who had successfully completed their probationary periods would be issued multiyear employment contracts.
- B. **The NJSBA believes** that during multiyear employment contracts, teachers would enjoy contractual security and could only be dismissed or reduced in compensation under specific circumstances, such as:
- action of the Commissioner of Education following the district's certification and proof of charges of inefficiency, incapacity, unbecoming conduct or other just cause;
 - the exercise of boards' authority to lay-off teachers for reasons related to a Reduction in Force at any time, with no payment for the balance of the multiyear contract period; and
 - the termination of a teacher employed under a multiyear contract, as long as the teacher is provided with full payment for the balance of the contract period.
- C. **The NJSBA believes** that no employment decisions concerning teachers should be the subject of either negotiations or arbitration and that the Renewable Employment Contract system should not be amended or modified through collective negotiations.
- D. **The NJSBA believes** that a system of renewable employment contracts should be phased in so that all currently tenured teachers would retain their tenure rights, but all non-tenured and future teachers would be subject to the provisions of the new law. *[Authority: DA 12/77-CR Teacher Tenure, DA 1/80-22, DA*

6/92-3, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]

System of Renewable Employment Contracts for Middle Management

- A. **The NJSBA believes** that the present tenure statutes tend to inhibit the educational process at the local level and serve no useful purpose in encouraging school administrators to provide challenging and innovative leadership and should be replaced with a system of renewable contracts.
- B. **The NJSBA believes** that administrators' multiyear employment contracts for a defined period (such as 3 to 5 years) should:
- include the setting of performance objectives and be renewed on basis of evaluations of performance;
 - provide job security during the terms of the employment contract, and that no middle manager could be dismissed or reduced in compensation except for inefficiency, incapacity, unbecoming conduct or other just cause as prescribed in N.J.S.A. 18A:6-10 et seq. But, the board of education could terminate a middle manager at anytime with full payment for the balance of a contract period; and
 - retain the tenure right of all middle managers who had attained tenure on the effective date of the legislation. [Authority: DA 12/75 - CR Middle Management Tenure, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]

Intermediate Steps in Reforming Existing Tenure System

NJSBA believes that, until the existing statutory tenure system is replaced by a system of renewable contracts, the current process should be modified and improved to:

- Provide for Revocation of Tenure so that earned tenure could be terminated after three years of negative performance evaluation. [Authority: DA 12/83-8, DA 11/96-SR]
- Modify Payment During Tenure Hearings so that N.J.S.A. 18A:6-14 provides elements to reduce boards' costs of processing tenure charges, including permitting a board of education to seek and obtain reimbursement of salary that the district paid to an employee during the pendency of tenure charges, should the employee ultimately be dismissed from his or her position. [Authority: DA 5/75-12, DA 6/77-13b, DA 6/81-16, DA 11/96-SR, DA 5/11-1]
- Modify Deadline for Tenure Hearing Decision to reduce the delays and prolonged proceedings by the statutory requirement of a reasonable timeline for the tenure removal process, including a statutorily required period of time after the date charges are certified to the Commissioner for the completion of hearings and the issuance of initial decisions. [Authority: DA 12/82-16, DA 11/96-SR]
- Modify Promotions and Transfers Procedures to eliminate a shortened probationary period for tenure in new positions following transfer or promotion from another position. [Authority: DA 12/74-7, DA 11/96-SR]
- Modify Supervisor Tenure to assure that statute and regulations provide that entitlement for supervisory positions will be based upon the staff member's possession of the appropriate supervisory certificate as well as the possession of the qualifications established by the local board in accordance with administrative code standards for determining seniority. [Authority: DA 12/94-10, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 12/16-SR, DA 11/21-SR]

Cross References: 4112.1 Individual contracts
 4112.2 Certification
 4117.4 Reduction in force/abolishing a position

Key Words: tenure, contracts

Negotiations Concerning Hiring/Firing of Certificated Staff Members

The NJSBA believes that substantive decisions of a board of education concerning the hiring, dismissal or non-renewal of any teaching staff member should not be the subject of either negotiations or arbitration. *[Authority: DA 12/77-CR Teacher Tenure, DA 6/93-SR, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Supply of Qualified Candidates

The NJSBA believes that continuous efforts to improve and increase the supply of qualified candidates for school employment are beneficial as long as those efforts do not compromise the quality of the applicant pool and do not result in state mandated intrusions into the authority of local boards of education, including but not limited to their right to: determine their local budgets and deliver an instructional program that best meets the needs of their students and their local communities. *[Authority: DA 5/00-9]*

The NJSBA believes that incentives, such as grants and loans, should be made available to attract outstanding students to the teaching profession, particularly in those areas of critical shortage. Loans to students who agree to teach a certain number of years in areas of critical shortage should be forgiven. *[Authority: DA 12/83-1, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Selection of Athletic Coaches

The NJSBA believes that boards should have the authority to hire the best qualified candidate for the position of athletic coach without the need to give priority to a person already employed in the district. Boards should also have the authority to hire non-certificated persons who have demonstrated competence and ability in their field as athletic coaches and/or co-curricular advisors. *[Authority: DA 6/86-4, DA 6/81-30, DA 11/97-SR, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Notice of Employment Date

The NJSBA believes that the statutory date set in N.J.S.A. 18A:27-10 for notice of employment for nontenured teaching staff members must be related to the school districts' budget election date and provide boards with sufficient time following a budget election to determine their staffing capabilities for the next school year. In the event of a budget defeat by the voters, that date should be no less than ten (10) days after the school tax levy is certified to the county board of taxation. *[Authority: DA 10/78-CR Budget Statutes, BD 10/79, DA 6/83-1, DA 11/96-CR (School Finance), DA 5/02-SR, DA 11/02-2, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:	3100	Budget planning, preparation and adoption
	4110	Tenure
	4112.2	Certification
	4112.5	Criminal history check
	4114	Transfer
	4116	Evaluation
	4141	Salary guides
	4145	Retirement
	4211	Recruitment, selection, hiring - noncertificated staff
	9300	Governance

Key Words: staff, candidates, coaches, notice

State Board of Examiners

The NJSBA believes that the composition of the State Board of Examiners should include the Commissioner of Education, a representative from the office of the Secretary of Higher Education, three college deans, five local administrators, five teachers, three local board of education members including one vocational board member and two public members. *[Authority: BD 6/79, BD 4/93-SR, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Teacher Preparation Programs

- A. **The NJSBA believes** that the responsibility to evaluate and approve teacher preparation programs leading to certification belongs to the Department of Education. *[Authority: BD 6/79, BD 4/93, DA 11/96-SR, DA 11/11-SR]*
- B. **The NJSBA believes** that teacher education programs should include instruction and training in conflict resolution and diversity sensitivity. *[Authority: DA 11/99-ER(A), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Teacher Certification

- A. **The NJSBA believes** that, while the authority for teacher certification rests with the state, true accountability for the integrity of teaching standards can only be achieved by establishing a new system of renewable state certification which includes the issuance and periodic renewal of certificates based upon demonstrated teacher competencies, continued professional development, educational achievements, and local districts' evaluations of teacher performance.
- B. **The NJSBA believes** that to ensure statewide consistency in the process of certificate renewal, the State Board of Education should establish statewide criteria for the issuance and renewal of teaching certificates and a state-administered appeals process for teachers denied issuance and/or renewal of instructional certificates. The State Board, in consultation with the office of the Secretary of Higher Education, should also develop guidelines regarding continuing education, professional development activities, and local district staff development and/or inservice programs.
- C. **The NJSBA believes** that a system of renewable certification which meets the Association's goals and provides a series of various levels of state certificates, should include provisions for:
- Provisional Certificates, to be issued to beginning teachers upon completion of state requirements and to teachers whose Standard Instructional Certificate has lapsed;
 - Standard Instructional Certificates, to be issued after teachers have demonstrated competence in their subject area and in the professional knowledge and skills necessary for effective teaching and learning. Such certificates would be valid for a specified period, such as five years, and would require teachers to meet state-wide criteria, including ongoing professional development, and recommendations from the employing local district;
 - Standard Instructional Certificates would be renewable indefinitely upon their expiration, if the teacher had during the terms of the certificate, met state-wide criteria and has obtained the recommendation of the local district, based on an evaluation of the teacher's performance;

- An optional Master Teacher Certificates which would require: a Master's Degree in education or a related field; a minimum of six years of successful teaching experience under the Standard Instructional Certificate; current employment; and, local district recommendation based on evaluation of teaching performance, leadership skills and other criteria as set by the State Board of Education;

The Master Teacher Certificate would be renewable every seven years based upon the teacher's fulfillment of state-criteria and local district recommendation based on evaluation of teaching performance;

- Provisions addressing situations in which teachers fail to complete the requirements for the renewal of their certification; and
- Grandfathering Provisions, which would exempt holders of the current Standard Instructional Certificate from the renewal requirements of the new system. *[Authority: DA 12/75-CR Certification, DA 5/76-B, BD 6/79, BD 12/82, BD 10/83, BD 3/93, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Teacher Certification and Ongoing Professional Development

- A. **The NJSBA believes** that teacher certification must be based on demonstrated effective teaching practices and ongoing professional development which fosters continuous quality of instruction throughout a teacher's career.
- B. **The NJSBA believes** that the state's criteria for certification should include mentoring of new teachers and a requirement that all teachers engage in ongoing professional growth during their careers. This continuing education requirement should be designed to promote continued competency, development of teaching skills and increased breadth of knowledge and should be consistent with local professional development plans and individual professional improvement plans. *[Authority: DA 12/75-CR (Certification), DA 5/76-B, BD 6/79, BD 12/82, BD 10/83, BD 3/93, DA 11/96-SR, DA 11/11-SR]*
- C. **The NJSBA believes** that the state's institutions of higher education, individual teachers and the education profession as a whole, need to be partners with the state and local boards of education in supporting continued improvement of instructional techniques through teachers' ongoing professional growth. To support local school district professional development programs, the state should create a funding mechanism and promote collaborative efforts that maximize training resources. *[Authority: DA 12/75-CR (Certification), DA 5/76-B, BD 6/79, BD 12/82, BD 10/83, BD 3/93, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Teaching Endorsement

- A. **The NJSBA believes** that a World Language endorsement should be based on oral proficiency in the designated language. *[Authority: DA 11/00-7]*
- B. **The NJSBA believes** that the New Jersey Department of Education should develop an appropriate, separate endorsement category in the technology area. *[Authority: DA 11/00-5, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:	4110	Tenure
	4111	Recruitment, selection and hiring
	4116	Evaluation
	4131	Staff development
	4131.1	Inservice education/visitations/conferences
	5131.5	Vandalism/violence
	5142	Pupil safety
	6141	Curriculum design/development

Certification (continued)

4112.2

- 6171.2 Gifted and talented
- 6171.4 Special education
- 6178 Early childhood education/preschool

Key Words: certification, endorsement, professional development

POSITIONS AND POLICIES ON EDUCATION

Criminal History Check

FILE CODE

4112.5

Background Checks For Employees and Applicants

- A. **The NJSBA believes** all applicants for employment, as well as current employees who have never had a background check, whose position involves regular contact with pupils, should be required to have federal and state criminal background checks completed. *[Authority: DA 12/84-6, DA 6/87-1, DA 12/90-2, BD 4/93, DA 11/96 SR, DA 5/97 CR (School Finance)]*
- B. **The NJSBA believes** local school districts should be permitted to hire an applicant on a provisional basis while the background check is being completed. *[Authority: DA 12/84-6, DA 6/87-1, DA 12/90-2, BD 4/93, DA 11/96-SR, DA 5/97-CR (School Finance)]*
- C. **The NJSBA believes** boards of education should have the option to conduct preliminary criminal background checks pending the completion of checks performed by State authorities. Access to preliminary background check information would be obtained through the local law enforcement officials relevant to the board of education in question and would involve a search of federal and state law enforcement records. Information checked through preliminary procedures should be consistent with that obtainable under current law. *[Authority: DA 11/97-1]*
- D. **The NJSBA believes** that authorities responsible for performing background checks should report back to local school districts in a timely fashion. *[Authority: DA 6/94-6 ER, DA 11/96-SR, DA 5/97-CR (School Finance), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Background Checks of Bus Drivers

- A. **The NJSBA believes** that bus drivers should have background checks performed by state and federal authorities whenever a bus driver license is applied for or renewed. *[Authority: DA 12/84-6, DA 6/87-1, DA 12/90-2, BD 4/93, DA 11/96-CR, DA 5/97-CR (School Finance)]*
- B. **The NJSBA believes** boards of education should not be held criminally liable for the approval or the assignment of drivers or substitute drivers of a school bus. *[Authority: DA 6/83-17, DA 11/96-SR, DA 5/97 CR (School Finance)]*
- C. **The NJSBA believes** that state and federal authorities should cooperate in completing background checks of bus driver applicants. *[Authority: DA 6/83-17, DA 11/96-SR, DA 5/97 CR (School Finance), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Student Teachers

The NJSBA believes that all student teachers and interns should be required to have federal and New Jersey state criminal background checks completed before that student teacher or intern is assigned to a public school in the State of New Jersey. *[Authority: DA 5/03-1, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Employment Disqualification

The NJSBA believes any person currently under indictment or convicted of any criminal offenses, including any offenses involving driving while intoxicated, where such indictment or offense is related to the positions or intended positions of such persons in the school environment, must be disqualified from school employment. *[Authority: DA 12/84-6, DA 6/87-1, DA 12/90-2, DA 11/96-SR, DA 5/97-CR (School Finance), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:	1600	Relations between other entities and the district
	4119.23	Smoking, drinking and use of drugs on school premises
	4217.50	Standards for staff discipline
	5141.4	Child abuse and neglect
	4212.2	Certification or licensing

Key Words: background checks, disqualification

POSITIONS AND POLICIES ON EDUCATION

Load/Scheduling/Hours of Employment

FILE CODE

4113.1

Consultation Time for Resource Room Teachers

The NJSBA believes that boards of education must have the flexibility to schedule each of its resource room teachers with an amount of time to consult with regular education staff that is appropriate and relevant to each situation. *[Authority: DA 6/81-15, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross Reference: 6171.4 Special education

Key Words: resource room teachers

POSITIONS AND POLICIES ON EDUCATION

Transfer

FILE CODE

4114

School District Staff Transfers

The NJSBA believes that boards of education must have the flexibility to assign staff to best serve the education and management needs of the school districts and should therefore have the right to transfer employees, within the scope of their certification, to positions requiring the same general level of responsibility, so long as the employee is not reduced in compensation. Such a transfer between positions would not constitute a reduction in rank under the tenure laws. *[Authority: BD 6/81, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 4110 Tenure
 4112.2 Certification

Key Words: transfer, tenure

Staff Evaluation

- A. **The NJSBA believes** that boards of education have a fundamental responsibility to set policies establishing a comprehensive system of performance evaluation for all staff and a process of assessing the effectiveness of evaluation procedures.
- B. **The NJSBA believes** that, to assure that their evaluation procedures stimulate and maintain improved teaching performance, boards of education should set a high budgetary priority to provide the resources needed for implementing an effective evaluation system. These resources should include support for an adequate staffing level of capable evaluators as well as continuing educational opportunities for all staff. *[Authority: DA 5/72-CR (Staff Evaluation), DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Evaluation of Tenured Teachers

The NJSBA believes that evaluation of tenured teachers should be conducted at least once a year according to criteria developed after consultation with tenured staff. These criteria should include, but not be limited to: evidence of student progress and teachers' progress towards recommended objectives for improvement noted in their individual professional improvement plans. *[Authority: DA 12/77-CR (Teacher Tenure), DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 4110 Tenure
4111 Recruitment, selection and hiring
4112.2 Certification

Key Words: evaluation, Professional improvement

POSITIONS AND POLICIES ON EDUCATION

Separation

FILE CODE

4117

Termination For Failure to Indicate Intent to Continue Employment

The NJSBA believes that local boards of education should have the authority to terminate any tenured employee who, (after one month after the mailing of a contract or a salary letter, does not indicate in writing or by signing a contract that he/she will continue employment in the school district for the next school year.) does not accept, in writing or by signing a contract, the offer for continued employment in the school district for the next succeeding year within one month after the mailing of the contract offer or salary letter. Such termination would have the same legal status as that currently afforded a board's acceptance of a letter of resignation. *[Authority: DA 12/70-14, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 4110 Tenure
4117.4 Reduction in force/abolishing a position
4145 Retirement compensation

Key Words: termination, contract

Riffing Projections

The NJSBA believes that boards of education should not be required to project their precise staffing needs and riffing patterns a year or more in advance and should not be required to provide inservice training and counseling to teachers who will be moved into areas in which they are certified but inexperienced. *[Authority: BD 6/79, BD 4/93-SR, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Tenure Rights in RIFs

- A. **The NJSBA believes** that, in the event of a RIF, a tenured staff member's entitlement to other positions in the district shall be determined solely in accordance with seniority earned as a result of actual service in a subject area endorsement. *[Authority: DA 11/95-4, DA 11/96-SR]*
- B. **The NJSBA believes** that supplemental teachers who have been employed under an instructional certificate in a capacity where he/she provided individual or small group instruction to classified or nonclassified children, and did not have primary responsibility for a class of either classified or nonclassified children, should not be authorized to assert seniority rights to a regular classroom teaching position. *[Authority: DA 11/95-4, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Standards for Certification and Riffing

The NJSBA believes that actual experience in a given area be required for maintenance of certification and that actual experience in a given area should be required in order to assert bumping rights. *[Authority: DA 12/76-16, DA 6/78-23, 23a, BD 6/79, DA 1/80-22, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Seniority

- A. **The NJSBA believes** that the seniority statute, regulations and case law thwart school management's ability to operate efficiently and in the best interests of students; and that a school board should be able to rely upon criteria, such as staff member's teaching experience and job performance, when determining whom it will retain on staff after a reduction in force. *[Authority: BD 3/13]*
- B. **The NJSBA believes** that a separate seniority category for part-time teaching staff members should be created. *[Authority: DA 12/83-11, DA 11/96-SR]*
- C. **The NJSBA believes** that a separate category of remedial instructor should be created that specifically precludes the accrual of seniority and the requisite bumping rights in a category in which the employee has no experience. *[Authority: DA 12/83-10, DA 11/96-SR]*
- D. **The NJSBA believes** that seniority credit for military service should not extend beyond tenured teachers whose employment within a district has been interrupted by military service. *[Authority: DA 12/84-16, DA 11/96-SR]*
- E. **The NJSBA believes** that, in the event of a Reduction In Force (RIF), the seniority rights of supplemental teachers should be limited to positions at the grade level (secondary or elementary) and subject matter in which the teacher has had experience in the district. *[Authority: DA 11/95-4, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Time Limit for Reemployment Rights

The NJSBA believes that the time period of reemployment entitlements for teaching staff members who have been the subject of a Reduction In Force should be limited to a two year period. [*Authority: DA 6/90-6, BD 4/93, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR*]

Cross References: 4110 Tenure
4112.2 Certification
4117 Separation

Key Words: RIF, rifting, certification, seniority

POSITIONS AND POLICIES ON EDUCATION

Withholding Increment

FILE CODE

4117.51

Restoration of Increments

The NJSBA believes that the decision to restore an increment previously withheld should rest within the exclusive authority of a board of education and that no administrative, legislative or judicial action should mandate the automatic restoration of those increments. *[Authority: Executive Committee, April 17, 1985, BD 12/89, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 4140 Compensation and related benefits
4141 Salary guides

Key Words: increment

POSITIONS AND POLICIES ON EDUCATION

Smoking, Drinking and Use of Drugs on School Premises

FILE CODE

4119.23

Drug Testing Standards

The NJSBA believes the State should establish standards for the administration of drug tests to employees to provide useful guidance to boards of education and eliminate the risks of improper screening and invalid results for the administration of drug tests to employees. *[Authority: BD 12/86, DA 11/96-SR, DA 5/97-CR (School Finance), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Employee Drug Testing

- A. **The NJSBA believes** drug testing of employees who are having performance problems or exhibiting unusual behavior helps to protect students against potentially unsuitable or dangerous employees. *[Authority: BD 12/86, DA 11/96-SR, DA 5/97-CR (School Finance)]*
- B. **The NJSBA believes** drug testing of employees should not be negotiable because negotiation undermines the purpose for uniform drug testing standards. *[Authority: BD 12/86, DA 11/96-SR, DA 5/97-CR (School Finance)]*
- C. **The NJSBA believes** local boards of education should be permitted to require pre-employment drug testing as part of the required physical examination of candidates for all positions. *[Authority: DA 6/92-2, DA 11/96-SR, DA 5/97-CR (School Finance)]*
- D. **The NJSBA believes** drug testing for school bus drivers should not only be required before hiring but also during the course of employment. *[Authority: DA 12/92-6, DA 11/96-SR, DA 5/97-CR (School Finance), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Civil Immunity for Reporting Suspected Drug Use

The NJSBA believes civil immunity should be extended to all school employees who, in good faith, report suspicions involving the use, possession and distribution of controlled dangerous substances or paraphernalia by pupils and school staff. *[Authority: DA 12/90-1, DA 11/96-SR, DA 5/97-CR (School Finance), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:	3515	Smoking prohibition
	3541.33	Transportation safety
	4112.5	Criminal history check
	4135.3	Negotiations/consultation
	4212.2	Certification or licensing
	5131.6	Drugs, alcohol, tobacco (substance abuse)

Key Words: drug testing, immunity

POSITIONS AND POLICIES ON EDUCATION

Staff/Pupil Relations

FILE CODE

4119.24

Discrimination and Intimidation

The NJSBA believes that schools should develop a culture that promotes mutual respect and constructive relationships among staff and pupils. The learning environment within schools should be free from all forms of discrimination and intimidation and should encourage fulfillment of each student's potential. Acts of discrimination and/or intimidation by staff or students should not be tolerated and proven acts of discrimination/intimidation should result in disciplinary action. *[Authority: BD 10/90, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 2224 Affirmative action/nondiscrimination
5145.4 Equal educational opportunity
6178 Early childhood education/preschool

Key Words: discrimination, intimidation

POSITIONS AND POLICIES ON EDUCATION

Substitute Teachers

FILE CODE

4121

Employment of Substitute Teachers

- A. **The NJSBA believes** that an adequate pool of certified substitutes is necessary to districts' ability to provide continuity of instruction and that boards should develop effective strategies to maintain a locally adequate pool of available certified substitutes. *[Authority: DA 12/87-1, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/21-SR]*
- B. **The NJSBA believes** that frequent replacement of substitutes does not encourage continuity of instruction and that, therefore, state regulations should not place limitations on the number of days that boards can retain a substitute in any one classroom or assignment when, after the executive county superintendent verifies that a reasonable search has failed to secure a properly certified teacher, and the assigned substitute teacher does not hold a standard teaching certificate or does not possess certification in the area of the substitute assignment. *[Authority: DA 12/87-1, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 4111 Recruitment, selection and hiring
4112.2 Certification

Key Words: substitutes

Continuing Education Requirement

- A. **The NJSBA believes** that the implementation of the state mandated yearly 20 hours of continuing education should be monitored to identify any difficulties that arise in local districts and to identify the changes in code or legislation that may be necessary to rectify fiscal, operational and educational problems caused by the Code's requirement. *[Authority: DA 5/99-7 and 8]*
- B. **The NJSBA believes** that boards of education should have input into the development of their local professional development plans before they are submitted to the county Professional Development Board. *[Authority: DA 5/00-8, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Academic Course Credits

- A. **The NJSBA believes** that existing statutory requirements do not adequately address the concerns associated with the use of third-party administrators by accredited colleges and universities.
- B. **The NJSBA further believes** that when accredited colleges and universities find it necessary to use on-line courses provided by third-party administrators as part of their degree programs, they must ensure that the instruction is of such quality as to enhance the teaching performance of those taking the course. Boards of education have an inherent expectation that the courses taken by staff members through on-line third-party administrators will have the same rigorous content and grading system as those offered directly by the accredited university or college.
- C. **The NJSBA further believes** that when boards of education and their majority representative negotiate in good faith over salary guide advancement for additional educational attainment, they must be guided by the principle that any courses taken will be for the purpose of enhancing the staff member's performance and advancing the education program. *[Authority: DA 11/12-1, DA 12/16-SR, DA 11/21-SR]*

Cross References: 4112.2 Certification
 4131.1 Inservice education/visitation

Key Words: continuing education, staff development

POSITIONS AND POLICIES ON EDUCATION

Inservice Education/Visitations/Conferences

FILE CODE

4131.1

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, DA 12/16-SR, DA 11/21-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, DA 12/16-SR, DA 11/21-SR]*

Cross References: 4116 Evaluation
4131 Staff development
6171.4 Special education

Key Words: inservice, staff development

General Approach to Public Sector Labor Relations

- A. **The NJSBA believes** that public employees have a right to bargain collectively through their selected employee organizations. However, since public sector employers have constitutional and statutory mandates to serve the public and to represent its interests, collective negotiations in the public sector must recognize the special mission of public employers and must be structured differently than the private sector model. Collective bargaining in New Jersey's public sector must be structured to recognize the complex problems and responsibilities facing the state and local public employers. *[Authority: DA 10/78-CR (PERC), DA 6/93-SR, DA 11/96-SR, DA 5/97 CR (School Finance)]*
- B. **The NJSBA believes** that state and local public employees' rights to bargain collectively should not be granted through federal legislation. *[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, DA 12/16-SR, DA 11/21-SR]*

General Approach to Public School Districts' Labor Relations

- A. **The NJSBA believes** that local school boards' duty to negotiate must be secondary to their duty to educate the children in the district. Collective bargaining in New Jersey's public schools must be structured to provide an appropriate balance between school boards' negotiations obligation and boards' statutory rights and responsibilities to provide a thorough and efficient system of free public education.
- B. **The NJSBA believes** that negotiations in local school districts should not jeopardize local control of public education and opposes initiatives to establish any form of state-level negotiations as well as any other efforts that would reduce local control of the negotiations process. *[Authority: DA 10/78-CR (PERC), DA 6/85-1A, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Limited Scope of Negotiations

The NJSBA believes in the right of public employees to collectively negotiate over terms and conditions of employment that intimately affect them, but supports a limited scope of negotiations so that public employers are protected in their rights and responsibilities regarding the establishment and implementation of public policy, including educational policy and operational methods. *[Authority: DA 12/71-11, DA 10/78-CR (PERC), DA 11/96-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Impasse Procedures

- A. **The NJSBA believes** in the principles of the voluntary nature of the impasse procedures presently utilized by the Public Employment Relations Commission in impasses involving public education.
- B. **The NJSBA believes** that these procedures can be improved to increase their effectiveness in aiding school boards and employee organizations reach voluntary settlements while protecting the interests of the public and the children of New Jersey, by incorporating statutory requirement which include factors such as:
1. Certification and recertification of neutrals, based on their successful completion of training programs covering significant changes in the field of public sector labor negotiations;
 2. A Code of Norms and Practices and a Code of Ethics for neutrals;
 3. Statutory criteria to be applied by factfinders and superconciliators, that include such considerations as: the welfare of the public; the financial impact of the recommendations on the school district's educational and operational program and on the district's residents and taxpayers. *[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, DA 12/16-SR]*

Compulsory Interest Arbitration

The NJSBA believes that compulsory interest arbitration, where a third party neutral resolves negotiations disputes by imposing contract terms on the parties, should not become a procedure to resolve negotiations disputes in public sector negotiations. As interest arbitration distorts the voluntary nature of collective negotiations and intrudes upon the fundamental premise that public policy should be determined by individuals who are accountable to the public, the process is most inappropriate in public school districts' negotiations. *[Authority: DA 5/76-15, DA 10/78-CR (PERC), DA 6/93-SR, DA 5/97-CR (School Finance), DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 4135.1 Agreements
4135.3 Negotiations/consultation
4135.11 Recognition/personnel covered
4135.16 Work stoppages/strikes

Key words: negotiations, bargaining units, labor relations, arbitration

POSITIONS AND POLICIES ON EDUCATION

Agreements

FILE CODE

4135.1

Length of Negotiated Agreements

The NJSBA believes that local boards of education should have the authority to enter into collective negotiations agreements with public employee organizations for periods of up to three years in duration.

[Authority: DA 12/74-10, 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, DA 12/16-SR, DA 11/21-SR]

Cross References:

4135	Collective negotiations
4135.3	Negotiations/consultation
4135.11	Recognition/personnel covered
4135.16	Work stoppage/strikes

Key Words: negotiations, agreements

POSITIONS AND POLICIES ON EDUCATION

Negotiations/Consultation

FILE CODE

4135.3

Professional Negotiators

The NJSBA believes that collective negotiations is a complicated and sophisticated process that is of paramount importance in affecting both the financial and managerial aspects of school board operation. To achieve negotiated agreements that effectively protect the district's interests and promote harmonious labor relationships, local school boards need expert professional assistance and should use professional negotiators to represent the board at all stages of collective negotiations. *[Authority: BD 2/75, 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, DA 12/16-SR, DA 11/21-SR]*

Selection of Boards' Negotiations Representatives

The NJSBA believes that local boards must have the ability to select their negotiations representatives, without the interference of local, state, or national employee unions. *[Authority: DA 6/93-9, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:

4135	Collective negotiations
4135.1	Agreements
4135.11	Recognition/personnel covered
4135.16	Work stoppages strikes
4140	Compensation and related benefits

Key Words: negotiations, negotiators, agreements, unions

POSITIONS AND POLICIES ON EDUCATION

Recognition/Personnel Covered

FILE CODE

4135.11

Central Office Administrators and Supervisors

- A. **The NJSBA believes** that in order for school boards to function effectively in a collective bargaining context, and to protect members of districts' administrative teams from conflicts of interest and contradictory pressures of managerial functions and labor union membership, there must be clear distinctions between the management team and the rank and file employees. *[Authority: DA 5/70-8, DA 10/78-CR (PERC), DA 6/93-SR, DA 11/96-SR]*
- B. **The NJSBA believes** that the PERC Law's definition of managerial employee should be expanded to include board secretaries, business administrators, assistant business administrators, and their equivalents. *[Authority: DA 5/70-8, DA 10/78-CR (PERC), DA 6/93-SR]*
- C. **The NJSBA believes** that supervisors, defined as employees having the power to hire, evaluate, discharge, discipline, or to effectively recommend the same, should not be granted bargaining rights. However, as long as those employees remain covered by the PERC Law, supervisors should not be included in the same bargaining unit as non-supervisory employees. *[Authority: DA 12/71-11, 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, DA 12/16-SR, DA 11/21-SR]*

Cross Reference: 4135 Collective negotiations

Key Words: collective bargaining, administrators, supervisors

POSITIONS AND POLICIES ON EDUCATION

Work Stoppages/Strikes

FILE CODE

4135.16

No Right to Strike

- A. **The NJSBA believes** that public employees should not have a statutory right to strike. *[Authority: DA 12/71-11, DA 5/72-13, 13a, DA 12/75-G, DA 10/78-CR (PERC), DA 6/93, DA 11/96-SR]*
- B. **The NJSBA believes** that the PERC Law should declare as unfair labor practices employee organizations' unprotected concerted activities including strikes, spontaneous walkouts, slowdowns, refusals to engage in extracurricular activities, and other concerted efforts by employees designed to bring pressure upon the public employer to win concessions at the bargaining table. *[Authority: DA 5/72-13, 13a, DA 10/78-CR (PERC), DA 6/93, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Penalties for Striking Employees

- A. **The NJSBA believes** that disruptive public education employee strikes are not deterred by jailing striking employees found in contempt of court nor by mandating interest arbitration.
- B. **The NJSBA believes** that the best and strongest deterrent to public school employee strikes is the imposition of automatic fines on school employees and their employee organizations that engage in illegal strikes.
- C. **The NJSBA believes** in a system that provides:
1. Automatic financial penalties upon each striking employees, where upon being petitioned by a board of education, judges would be required to impose a legislatively defined financial penalty upon each striking employee for each day, or part thereof, that the employee has withheld his services, such as: fines equal to twice the daily rate of compensation, with compensation defined as the employee's salary and the total cost of negotiated insurance plans; and
 2. Automatic penalties for the employee organization, such as: \$100 per unit member for each day, or part thereof, of the strike, and the automatic loss of the union's ability to deduct dues for a period of one year, and
 3. Additional discretionary authority to the court to issue additional fines for contempt of its orders. These penalties may include, but need not be limited to, additional fines for both employees and their union, an extension of the union's loss of dues deductions, or decertification of the majority representative, but should not include jailing of employees. *[Authority: BD 5/78, DA 6/88-C, DA 12/91-10, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 4135 Collective negotiations
4135.3 Negotiations/consultation

Key Words: strikes, walkouts, work stoppages

POSITIONS AND POLICIES ON EDUCATION

Compensation and Related Benefits

FILE CODE

4140

Current Mandated Benefits/New Mandated Benefits

The NJSBA believes that benefits that would be items for local negotiations should not be granted to employees through legislative action that establish minimum, maximum or absolute levels of benefits for public employees. *[Authority: DA 5/63-8, DA 12/72-3, DA 6/78-24, DA 6/77-11, DA 12/76-23, DA 6/78-19, 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, DA 12/16-SR, DA 11/21-SR]*

Teacher Compensation

- A. **The NJSBA believes** that a district's method of compensating employees should be based on a salary structure that has a rational basis which reflects the goals and objectives of the school system.
- B. **The NJSBA believes** that boards should carefully review and analyze their existing compensation plans to determine whether their salary guides reflect their districts' compensation and personnel goals and consider new compensation models including, among other factors, differentiated staffing models, relative workload, degrees of responsibilities and performance as methods of determining compensation. *[Authority: DA 5/72-CR Compensation, DA 12/81-13, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Increases in State Mandated Minimum Teacher Salary

- A. **The NJSBA believes** any future raises in the state's mandated minimum salary for starting teachers should not occur unless a special committee has been established to study the funding requirements and educational implications of the proposal and reports its findings to the Governor, the Legislature, the New Jersey School Boards Association, local school boards and the property-owning taxpayers of New Jersey.
- B. **The NJSBA believes** that financial responsibility for any increase in the mandated minimum salary should be assumed by the state. *[Authority: DA 6/85-1, DA 6/85-1A, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:

4141	Salary guides
4142	Salary checks and deductions
4144	Insurance/worker's compensation
4145	Retirement compensation

Key Words: benefits, negotiations, compensation, salary

Delay of Implementation of Step Salary Increases Until Salary Negotiations Completed

The NJSBA believes that Boards of Education should not be obligated to implement any step salary increases on existing guides until subsequent salary negotiations are concluded. *[Authority: DA 12/91-6, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

School Nurses' Salary Guides

- A. **The NJSBA believes** that the duties and responsibilities of school nurses frequently vary from that of classroom teachers and that local school boards should have the flexibility to negotiate separate salary guides for certified school nurses.
- B. **The NJSBA believes** boards should not be required to pay school nurses holding a standard school nurse certificate in accordance with the provisions of the teachers' salary guide in effect in that school district, nor should boards be required to place school nurses on their salary guides in accordance with the same criteria that are applicable to teachers. *[Authority: DA 5/99-13, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Licensed Practical Nurses

The NJSBA believes that, in order to provide quality health services to public school children in a cost efficient manner, local school districts should be authorized to hire licensed practical nurses to augment, assist or substitute for its certified nurses, at a pay scale comparable to teacher aides but not defining them as teaching staff. *[Authority: DA 12/72-Late, DA 6/85-5, DA 6/85-6, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 4111 Recruitment, selection, and hiring
 4135.3 Negotiations/consultation
 4140 Compensation and related benefits

Key Words: salary guides, negotiations, nurses

POSITIONS AND POLICIES ON EDUCATION

Salary Checks and Deductions

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, DA 12/16-SR, DA 11/21-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, DA 12/16-SR, DA 11/21-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, DA 12/16-SR, DA 11/21-SR]*

Cross Reference: 4140 Compensation and related benefits

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

School Employees' Health Benefits Program

- A. **The NJSBA believes** that the School Employees' Health Benefits Program (SEHBP) should provide local school districts with an efficient, economical and flexible health insurance option and should provide those participating school districts with input into decision-making, timely notification of rates and changes in coverage. *[Authority: DA 12/76-18, DA 6/88-4, DA 6/90-1, DA 6/93-SR, DA 5/96-2, 11/96-SR]*
- B. **The NJSBA believes** that local boards should be represented on the School Employees' Health Benefits Commission, the decision-making body for the SEHBP and any other entity making decisions regarding employee health benefits, that Commission agendas be made available to employers who may be affected by its decisions, and that the Commission provide an accounting to participating employers on the use and distribution of all funds. *[Authority: DA 12/76-18, DA 6/93-SR, 11/96-SR]*
- C. **The NJSBA believes** the State, in consultation with insurance experts and participating local school districts, should review the statutory and regulatory scheme governing the SEHBP and recommend a means of providing cost containment. *[Authority: DA 6/88-4, DA 6/90-1, DA 6/93-SR, 11/96-SR]*
- D. **The NJSBA believes** local school districts participating in SEHBP should have the ability to reduce their costs of providing duplicate health insurance to their employees by any effective mechanisms. *[Authority: DA 6/88-4, DA 6/90-1, DA 6/93-SR, 11/96-SR]*
- E. **The NJSBA believes** the SEHBP surcharge placed on private health insurance carriers is unjustified and diminishes competition, limits local school districts' flexibility in selecting an insurance carrier and increases the costs for non-participating boards to provide health insurance. *[Authority: DA 5/96-2, 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Unemployment Compensation Claims

- A. **The NJSBA believes** that non-professional and/or professional ten (10) month employees should not be eligible for unemployment benefits between academic terms or years, school vacation or holiday periods. *[Authority: BD 3/92, DA 11/96-SR]*
- B. **The NJSBA believes** that reporting requirements of boards of education to unemployment offices showing an employee to be ineligible for benefits should not be overly burdensome. It should be sufficient for boards to present certified copies of the minutes showing that these employees will be employed (or have been offered employment) in September. *[Authority: DA 12/81-6 (Adjourned to 1/82), BD 3/92, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Suspension of Health Benefits

The NJSBA believes that, if an employee's salary and benefits are suspended subsequent to the certification of tenure charges, local school districts should not be liable for the costs of catastrophic illness that may result from the employee's loss of benefits during that suspension period. *[Authority: DA 6/83-11, 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 3530 Insurance management
4140 Compensation and related benefits

Key Words: state health benefits program, insurance, unemployment

Pension System

- A. **The NJSBA believes** that the pension system should be continuously monitored by the State to ensure that it is providing a cost-effective, affordable, and fiscally-sound approach to employees' retirement benefits that contains costs and provides reliable pension benefits to retired school employees at an affordable and predictable cost to the state. *[Authority: DA 12/90-6, DA 12/90-7, DA 6/92-CR (Pension), DA 11/96 SR]*
- B. **The NJSBA believes** in a comprehensive approach to improving the pension system and opposes piecemeal amendments to pension statutes. Benefits should only be improved after a source for funding those improvements is clearly identified as part of legislation. *[Authority: DA 12/84-CR (Pension), DA 6/92-CR (Pension), DA 11/96 SR]*
- C. **The NJSBA believes** that the state's public employee retirement system should not be "raided" if such action would threaten the plans' ability to fund their obligations. *[Authority: DA 6/92-CR (Pension), DA 11/96 SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR]*
- D. **The NJSBA believes** it should oppose any measure to transfer the obligation to fund the pension system from the state to local districts. *[Authority: DA 5/16-6, DA 12/16-SR, DA 11/21-SR]*

State Budgeting of Pension Costs

The NJSBA believes that the budgetary item reflecting funding of the Teachers Pension and Annuity Fund (TPAF), Premium for Non-Contributory Insurance, Social Security and Pension Adjustment Act should be cited as a separate and distinct program within the State budget, in order to accurately show actual state aid to fund local education and direct TPAF pension costs. *[Authority: DA 12/84-CR (Pension), DA 6/91-CR (QEA), DA 6/92-CR (Pension), DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

TPAF and Social Security Contributions

- A. **The NJSBA believes** that local districts should not have to pay for the pension, social security and other benefits of those TPAF members whose salaries are funded in whole or in part by federal program monies. *[Authority: DA 5/70-14, DA 8/92 SR, DA 11/96 SR]*
- B. **The NJSBA believes** that the state should pay the full employer's contribution to TPAF and Social Security. *[Authority: DA 12/84-CR (Pension), DA 6/91-CR (QEA), DA 6/92-CR (Pension), DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Employer Representatives on TPAF and PERS Boards of Trustees

The NJSBA believes that there should be employer representatives on the board of trustees of the Public Employee Retirement System and the Teachers' Pension and Annuity Fund. Local districts should have at least one representative on the TPAF Board of Trustees. *[Authority: DA 12/90-6, DA 12/90-7 DA 6/92-CR (Pension), DA 11/96 SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Employment of Retirees

- A. **The NJSBA believes** that districts should have the flexibility to secure qualified staff for vacancies,

including the hiring of retirees. Districts should incur no additional costs associated with the retirees' pensions and benefits. The hiring of retirees should be permitted particularly when attempting to fill positions of critical need. *[Authority: BD 3/99]*

- B. **The NJSBA believes** that a one-year time period is sufficient to insure opportunities to find non-retired qualified candidates without obligating a district to pay pension and benefit costs of retirees currently filling those vacancies. *[Authority: BD 3/99]*
- C. **The NJSBA believes** retirees under a New Jersey pension program should be permitted to be employed by a New Jersey Public employer up to the maximum earnings allowed under Social Security, without penalty. *[Authority: DA 6/79-28, DA 6/93-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Early Retirement Remuneration Plan

The NJSBA believes local school districts should be permitted to provide an Early Retirement Remuneration Plan (ERR), which would be paid as extra compensation and not contractual salary to the teaching employees. *[Authority: DA 6/87-2, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 3290 Funds management/investing
 4111 Recruitment, selection and hiring
 4140 Compensation and related benefits
 4144 Insurance/worker's compensation

Key Words: pension, social security, TPAF, PERS, retirees

POSITIONS AND POLICIES ON EDUCATION

Employee Assistance Programs

FILE CODE

4146.1

Employee Assistance Programs

- A. **The NJSBA believes** that the establishment of school district Employee Assistance Programs when jointly planned and supported by employees, the employee organization and the district are beneficial to employees and employers.
- B. **The NJSBA believes** that any employee assistance program established in a school district should stress the voluntary nature of the program, and assure employees of its confidentiality.
- C. **The NJSBA believes** that the extent and nature of the program and its funding should be decided locally.
[Authority: BD 4/88, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]

Cross Reference: 4140 Compensation and related benefits

Key Words: employee assistance

POSITIONS AND POLICIES ON EDUCATION

Employee Safety

FILE CODE

4147

Labeling Requirements of the Right to Know Act

The NJSBA believes that requirements to label containers of hazardous and non-hazardous substances under federal and state laws and regulations should be the obligation of manufacturers, producers, distributors, processors and their agents and that the responsibility should not be placed on local boards of education. *[Authority: DA 6/87-3, DA 6/88-1 & 1A, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 3516 Safety
 6114 Emergencies and disaster preparedness

Key Words: hazardous substances, labeling, Right to Know

POSITIONS AND POLICIES ON EDUCATION

Leaves

FILE CODE

4150

Salaries of Employee-Legislators

The NJSBA believes that local boards of education should be able to control the payment of employees who also serve as legislators. *[Authority: DA 6/77-21, DA 6/93-SR, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:

4140	Compensation and related benefits
4142	Salary checks and deductions
5131.5	Charter school leaves

Key Words: legislators, salaries

POSITIONS AND POLICIES ON EDUCATION

Personal Illness and Injury/Health and Hardship

FILE CODE

4151.1

Sick Leave Banks

The NJSBA believes that boards of education should have authority to establish district sick leave banks, as long as these arrangements do not reduce or eliminate boards' authority under N.J.S.A. 18A:30-6 and that the days donated by employees are no longer available for the donors' personal use unless such use is authorized by the sick leave bank. *[Authority: BD 3/91, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross Reference: 4150 Leaves

Key Words: sick leave banks

POSITIONS AND POLICIES ON EDUCATION

Vacations/Holidays

FILE CODE

4152

Teaching on Public Holidays

The NJSBA believes that local boards should have the discretion to require teaching staff to perform duties on any public holiday, or be permitted to designate the specific days on which staff would receive those statutory holidays falling within the academic calendar. *[Authority: DA 12/74-8 & 9, DA 10/78-CR PERC, DA 12/81-5, BD 11/84-CR (Extended School Year) DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross Reference: 4140 Compensation and related benefits

Key Words: teachers, holidays, vacations

POSITIONS AND POLICIES ON EDUCATION

Recruitment, Selection and Hiring – Noncertificated Staff

FILE CODE

4211

Hiring/Firing of Noncertificated Staff

The NJSBA believes that decisions concerning the hiring, renewal and nonrenewal of noncertificated school employees should not be the subject of negotiations and should not be permitted to be submitted to binding arbitration. *[Authority: DA 11/95-2, DA 11/96-SR, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross Reference: 4111 Recruitment, selection and hiring - certificated staff

Key Words: recruitment, selection, hiring, noncertified

POSITIONS AND POLICIES ON EDUCATION

Certification or Licensing

FILE CODE

4212.2

Bus Driver Qualifications

The NJSBA believes that retesting of bus drivers should be required when: a driver is involved in one chargeable bus accident during any one school year; and when a driver reaches the age of 60, and every two years thereafter, until retirement. *[Authority: DA 5/72-28, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Notice Concerning Suspended or Revoked Licenses

The NJSBA believes that the New Jersey Department of Education in coordination with the New Jersey Division of Motor Vehicles should develop a notification procedure whereby executive county superintendents could be notified on a monthly basis of any licensed school bus drivers whose licenses have either been suspended or revoked. *[Authority: DA 6/85-11, Reaffirmed: DA 11/96-SR, DA 5/97-CR (School Finance), DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References:

3541.33	Transportation safety
4112.5	Criminal history check
4119.23	Smoking, drinking and use of drugs on school premises
4217.5	Standards for staff discipline

Key Words: bus drivers, licenses

Motor Vehicle Offenses

The NJSBA believes that boards' ability to ensure the safe transportation of students on school buses can be increased by enhancing current penalties for school bus drivers who commit motor vehicle offenses while transporting students. *[Authority: DA 11/00-9, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross References: 3541.33 Transportation safety
4112.5 Criminal history check
4212.2 Certification or licensing

Key Words: transportation, bus drivers, buses



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PERIODIC REVIEW OF POSITIONS AND POLICIES ON EDUCATION

REVIEW OF SECTIONS 3000 AND 4000

BUSINESS AND NONINSTRUCTIONAL OPERATIONS/

INSTRUCTIONAL AND SUPPORT PERSONNEL

POLICIES RECOMMENDED FOR REAFFIRMATION WITH CHANGES

FILE CODE	TITLE	POLICY POSITION OR ACTION	SUBHEADING(S) RECOMMENDED FOR CHANGE
4112.1	Individual Contracts	Policy Position	Grant-Funded Positions

Grant-Funded Positions

The NJSBA believes that employees in grant-funded positions should not be granted automatic tenure after the statutory time period of [three] four years of employment, but that boards should have the right to issue individual employment contracts to these employees. *[Authority: DA 5/99-9, DA 5/02-SR, DA 11/06-SR, DA 11/11-SR, DA 12/16-SR, DA 11/21-SR]*

Cross Reference: 4110 Tenure

Key Words: tenure, contracts

Rationale: Revisions reflect current tenure law.