

CHAPTER 3
SCHOOL DISTRICTS

Authority

N.J.S.A. 18A:4-10, 18A:4-15, 18A:6-10, 18A:6-50, 18A:7A-1, 18A:7A-1.1, 18A:10-6, 18A:12-21 et seq., 18A:13-14, 18A:16-1, 18A:17-14 to 14.3, 18A:27-15, 18A:17-17, 18A:17-20, 18A:17-32, 18A:22-14, 18A:22-19, 18A:22-22, 18A:24-11, 18A:28-9 to 28-13, 18A:29-6 to 29-16, 18A:40-12.1 and 18A:49-1 to 49-8.

Source and Effective Date

R.1999 d.342, effective September 10, 1999.
See: 31 N.J.R. 1662(a), 31 N.J.R. 2917(a).

Executive Order No. 66(1978) Chapter Expiration Date

Chapter 3, School Districts, expires on September 10, 2004.

Chapter Historical Note

Chapter 3, School Districts, became effective prior to September 1, 1969.

Subchapter 2, Pupil Records, was adopted as R.1975 d.124, effective May 16, 1975. See: 6 N.J.R. 465(a), 7 N.J.R. 251(b).

Subchapter 3, Withdrawal from Limited Purpose Regional School Districts, was adopted as R.1976 d.286, effective September 8, 1976. See: 8 N.J.R. 458(a).

Subchapter 4, Senior Citizens' Transportation, was adopted as R.1977 d.129, effective April 13, 1977. See: 9 N.J.R. 113(a), 9 N.J.R. 212(b).

Pursuant to Executive Order No. 66(1978), this chapter was readopted as R.1983 d.248, effective June 3, 1983. See: 15 N.J.R. 376(a), 15 N.J.R. 1016(b).

Pursuant to Executive Order No. 66(1978), Subchapter 3, Withdrawal from Limited Purpose Regional School Districts, was readopted as R.1983 d.368, effective August 18, 1983. See: 15 N.J.R. 728(a), 15 N.J.R. 1468(c).

Subchapter 5, Reporting of Allegations of Child Abuse, was adopted as R.1989 d.193, effective April 3, 1989. See: 21 N.J.R. 3(b), 21 N.J.R. 892(a).

Subchapter 6, Enforcement of Drug Free School Zones, was adopted as R.1989 d.354, effective July 3, 1989. See: 21 N.J.R. 817(a), 21 N.J.R. 1824(b).

Subchapter 7, Provisions for the Education of Homeless Children and Youth, was adopted as R.1990 d.615, effective December 17, 1990. See: 22 N.J.R. 2630(a), 22 N.J.R. 3734(b).

Chapter 3, School Districts, was repealed and replaced by new rules pursuant to Executive Order No. 66(1978) as R.1993 d.272, effective June 7, 1993. See: 25 N.J.R. 1095(a), 25 N.J.R. 2249(a).

Subchapter 9, School Ethics Commission, was adopted as R.1993 d.394, effective August 2, 1993. See: 25 N.J.R. 1924(a), 25 N.J.R. 3511(a).

Subchapter 4A, Promotion and High School Graduation Requirements and Procedures, was recodified from N.J.A.C. 6:8-7 by R.1998 d.457, effective September 8, 1998. See: 30 N.J.R. 1479(a), 30 N.J.R. 3261(b).

Subchapter 8, Provisions for the Education of Homeless Children and Youth, was recodified as N.J.A.C. 6:5 by R.1999 d.296, effective September 7, 1999. See: 31 N.J.R. 1409(a), 31 N.J.R. 2640(a).

Pursuant to Executive Order No. 66(1978), Subchapters 1 through 7 and Subchapter 9 were readopted as R.1999 d.342, effective September 10, 1999. Subchapter 9, School Ethics Commission, was recodified as Subchapter 8, School Ethics Commission, by R.1999 d.342, effective October 4, 1999. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTERS 8 THROUGH 9. (RESERVED)

SUBCHAPTER 1. BOARDS OF EDUCATION

6:3-1.1 Board of school estimate

In any district board of education operating under N.J.S.A. 18A:9-2, the mayor of the municipality comprising the school district shall be the presiding officer of the board of school estimate, and in the event of the absence of the mayor at any meeting of the board of school estimate, the members thereof present at such meeting shall proceed to elect a presiding officer pro tem.

Case Notes

Rescission of candidate's withdrawal from school board election affirmed. *Monaghan v. Board of Education of Ridgefield Park*, 97 N.J.A.R.2d (EDU) 471.

School board's bylaws providing for agenda meeting before holding regular board meeting not legally enforceable. *Sooy v. Mainland Regional High School District*, 97 N.J.A.R.2d (EDU) 295.

Commissioner of Education could not intervene in school board's decision not to extend minibus service where decision was not proven unreasonable. *Shrewsbury v. Board of Education of Holland Township*, 96 N.J.A.R.2d (EDU) 795.

Failure to rehire recovered disability retiree was within school board's discretion. *Bublin v. Board of Education of the Borough of Point Pleasant*, 96 N.J.A.R.2d (EDU) 768.

School board's policy to ban backpacks in interest of safety constituted valid exercise of discretion. *Board of Education of Bernards Township v. C.M.*, 96 N.J.A.R.2d (EDU) 762.

Post-referendum change from two-story plan to one-story plan for new school was within school board's discretion. *Shuster v. Montgomery Township Board of Education*, 96 N.J.A.R.2d (EDU) 670.

Appointment of school board member by lame-duck mayor with less than one month remaining in his term. *Cordasco v. Board of Education of the Town of West New York*, 96 N.J.A.R.2d (EDU) 661.

Open Public Meeting Act was not violated by socializing after board of education meeting. *Kesselman v. Edison, Township Board of Education*, 96 N.J.A.R.2d (EDU) 436.

School board member not entitled to legal expenses incurred for personal reasons rather than in line of duty. *Quick v. Old Bridge Township Board of Education*, 96 N.J.A.R.2d (EDU) 116.

Employment as deputy fire chief did not place individual in conflict of interest so as to disqualify him from seeking election to school board. *Battiloro v. Westfield Board of Education*, 95 N.J.A.R.2d (EDU) 445.

Functions and duties as school business administrator and as mayor were inherently antagonistic and warranted administrator's suspension for conflict of interest. *Irvington Municipal Council v. Steele*, 95 N.J.A.R.2d (EDU) 123.

Bus driver for transportation company under contract with district board was not automatically ineligible for board membership. *Union Board of Education v. Andrews*, 95 N.J.A.R.2d (EDU) 350.

Submission date for nominating petitions for school board membership; insufficient signatures and subsequent registration of signers. *Jones v. Peddle*, 94 N.J.A.R.2d (EDU) 362.

Local school boards could not aggregate health coverage. *Millstone Township Teachers Association v. Millstone Township Board of Education*, 93 N.J.A.R.2d (EDU) 802.

Police officer assigned as security officer at high school was not disqualified from membership on board of education. *Ubalini v. Cancel*, 93 N.J.A.R.2d (EDU) 457.

Board employee and union official not qualified to seek election to Board. *Board of Education of Township of Howell v. Suchcicki*, 93 N.J.A.R.2d (EDU) 157.

No disqualifying conflict of interest between police officer's membership on board of education and providing security services. *North Brunswick Township Education Association v. Board of Education of Township of North Brunswick*, 93 N.J.A.R.2d (EDU) 74.

Board of education membership; conflict of interest; law suit. *Board of Education of Township of Jackson, Ocean County v. Acevedo*, 92 N.J.A.R.2d (EDU) 163.

6:3-1.2 Special meetings of district boards of education

In every school district of the State, it shall be the duty of the secretary of the board of education to call a special meeting of the board whenever requested by the president of the board to do so or whenever there shall be presented to such secretary a petition signed by a majority of the whole number of members of the district board of education requesting the special meeting. Public notice of such special meeting shall be made pursuant to law and regulation. In accordance with N.J.S.A. 18A:10-6, the public notice shall include the date, time, location, and purpose(s) of the special meeting.

Amended by R.1999 d.342, effective October 4, 1999.

See: 31 N.J.R. 1662(a), 31 N.J.R. 2917(a).

Updated a reference.

Case Notes

School board acted improperly and in violation of open meeting requirements by discussing public business after meeting had officially ended. *Davis v. Willingboro Board of Education*, 95 N.J.A.R.2d (EDU) 352.

Cancellation of public forum; school board policies and Open Public Meetings Act. N.J.S.A. 10:4-12. Fuhrmann v. Board of Educ. of the Borough of Middlesex, 93 N.J.A.R.2d (EDU) 416.

6:3-1.3 Minimum bond requirements for treasurer of school moneys

(a) The minimum requirements for the surety bond for the treasurer of school moneys shall be such percentage of the current year's school budget as is required in the schedule set forth below:

Total School Budget	Minimum Bond Required
Up to \$100,000.00	10 percent of budget (Minimum \$5,000)
\$100,000.01 to \$250,000.00	\$10,000 plus eight percent of all over \$100,000
\$250,000.01 to \$500,000.00	\$22,000 plus six percent of all over \$250,000
\$500,000.01 to \$750,000.00	\$37,000 plus four percent of all over \$500,000
\$750,000.01 to \$1,000,000.00	\$47,000 plus two percent of all over \$750,000
\$1,000,000.01 to \$2,000,000.00	\$52,000 plus one percent of all over \$1,000,000
\$2,000,000.01 to \$5,000,000.00	\$62,000 plus 1/2 percent of all over \$2,000,000
\$5,000,000.01 to \$10,000,000.00	\$77,000 plus 1/4 percent of all over \$5,000,000
\$10,000,000.01 and upwards	\$89,500 plus 1/8 percent of all over \$10,000,000

(b) In fixing such minimum bond, the nearest even \$1,000 shall be used.

(c) The independent school auditor shall verify the adequacy of the treasurer's surety bond which is required by N.J.S.A. 18A:17-32 and shall include appropriate comment, and a recommendation, if needed, in the annual school audit report.

6:3-1.4 Local district responsibility for employment of staff

(a) State certification requirements are those structured training and competency evaluation requirements that are prescribed by the State Board of Education in order to protect the public. In addition, the teaching and other background experiences of candidates for professional positions may often be important considerations in the local selection of specific staff for specific positions. Each district board of education shall determine the types of background experiences and personal qualities, if any, that the district requires or prefers successful candidates for specific positions to possess in addition to appropriate State certification. Such local requirements shall be based upon a careful review of the position in question, and the requirements shall emphasize the nature of experience and the quality of individual achievement desired, rather than only the amount of experience.

(b) No teaching staff member shall be employed in the public schools by any board of education unless he or she is

the holder of a valid certificate (see N.J.S.A. 18A:26-2). In addition, district boards of education should exercise their right and responsibility to require job candidates to present other, more detailed documentation of their competency. Such documentation includes resumes, references, records of past experiences, college transcripts, certification test scores, assessment reports, internship evaluations, and other documentation of competency relevant to the specific position.

(c) District boards of education shall assign to administrative positions those functions which are consistent with the individual qualifications of the position occupant, and shall support the establishment of structures for making instructional decisions that take administrator qualifications into account.

Case Notes

Applicant for position as school custodian failed to demonstrate adequate rehabilitation from narcotics conviction where applicant was still on probation for most recent offense, and applicant had violated probation many times in past. In the Matter of Vincent L. Lindsey, 96 N.J.A.R.2d (EDU) 1020.

School board member was reprimanded for voting on his wife's employment as classroom aide. In the Matter of Wayne Wurtz, 96 N.J.A.R.2d (EDU) 843.

Bus driver who failed to demonstrate rehabilitation after assault conviction was disqualified from school employment. In the Matter of the Disqualification of Srebnick, 96 N.J.A.R.2d (EDU) 833.

Chronic and excessive absenteeism warranted removal of tenured secretary. In the Matter of the Tenure Hearing of Linda Latona, 96 N.J.A.R.2d (EDU) 800.

Excessive absenteeism warranted withholding of employee's salary increment. Webb v. Board of Education of the Town of West Orange, 96 N.J.A.R.2d (EDU) 782.

Tenured employee's excessive absenteeism, neglect of duty, and misbehavior constituted sufficient cause for termination. In the Matter of Deal, 96 N.J.A.R.2d (EDU) 703.

Board of Education employee failed to establish entitlement to 60 days notice that her position would be eliminated. Allen v. Newark Board of Education, 96 N.J.A.R.2d (EDU) 688.

School custodian with criminal record was qualified for employment when proof of rehabilitation was shown. In the Matter of the Disqualification From School Employment of McCullough, 96 N.J.A.R.2d (EDU) 680.

Board of Education must provide analysis of job duties for newly created teaching position to determine reasonableness of dual certification requirement. Kopko v. Board of Education of the Borough of Cateret, 96 N.J.A.R.2d (EDU) 665.

Bus driver was properly dismissed after she was charged with narcotics possession, despite fact that charges were dropped upon driver's completion of pre-trial intervention program. Fagan v. Toms River School District Board of Education, 96 N.J.A.R.2d (EDU) 622.

Hearing disability consultant who demonstrated rehabilitation was not disqualified from school employment despite drug conviction. Kalapos v. New Jersey State Department of Education, 96 N.J.A.R.2d (EDU) 617.

Custodian with drug use record was not disqualified from school employment when rehabilitation was proven. Pruden v. New Jersey State Department of Education, 96 N.J.A.R.2d (EDU) 602.

Custodian's discharge for neglect of duty and unexplained absence from work was upheld. *Jimenez v. City of Paterson School District*, 96 N.J.A.R.2d (EDU) 600.

Applicant seeking certification as New Jersey school principal must have master's degree or substantial equivalent course work. *Fisher v. State Board of Examiners*, 96 N.J.A.R.2d (EDU) 561.

Bus driver with three ten-year-old drug convictions not precluded from school employment where evidence demonstrated rehabilitation. *Seifred v. Department of Education*, 96 N.J.A.R.2d (EDU) 558.

School employee was properly disqualified from employment due to past drug charges and convictions. In the Matter of the Disqualification from School Employment of Ali, 96 N.J.A.R.2d (EDU) 551.

Criminal history supported employment disqualification of teacher's aide. In the Matter of the Disqualification from School Employment of Chester, 96 N.J.A.R.2d (EDU) 547.

School custodian provided sufficient evidence of rehabilitation after drug conviction to overcome disqualification from public school employment. In the Matter of the Disqualification from School Employment of Lawrence, 96 N.J.A.R.2d (EDU) 532.

Single prior conviction coupled with rehabilitated lifestyle supported qualification for employment as public school security guard. In the Matter of the Disqualification from School Employment of Henderson, 96 N.J.A.R.2d (EDU) 530.

Insufficient evidence of rehabilitation after drug conviction supported disqualification of applicant for teacher's aide position from public school employment. In the Matter of the Disqualification from School Employment of Gowan, 96 N.J.A.R.2d (EDU) 528.

School employee's refusal to accept responsibility for criminal conduct supports disqualification from employment. *Marshall v. Department of Education*, 96 N.J.A.R.2d (EDU) 521.

Insufficient time of drug-free status after long criminal history precludes finding of rehabilitation and supports school custodian's disqualification from employment. *Butler v. Department of Education*, 96 N.J.A.R.2d (EDU) 517.

Bus driver's criminal history does not bar school employment where rehabilitation shown by clear and convincing evidence. *Marcelle v. Department of Education*, 96 N.J.A.R.2d (EDU) 515.

Tenured school board employee's continuous refusal to comply with board employment policy justifies termination. In the Matter of the Tenure Hearing of Powers, 96 N.J.A.R.2d (EDU) 508.

School bus driver demonstrated clear and convincing evidence of rehabilitation sufficient to overcome disqualification from school employment for prior criminal history. *Gambale v. Department of Education*, 96 N.J.A.R.2d (EDU) 505.

School custodian demonstrated rehabilitation by clear and convincing evidence and removed disqualification from employment for conviction for possession of marijuana. *Trisuzzi v. Department of Education*, 96 N.J.A.R.2d (EDU) 493.

Dismissal of teacher aide upheld where aide failed to demonstrate rehabilitation from past drug use. *Chester v. Department of Education*, 96 N.J.A.R.2d (EDU) 456.

Tenured school district employee properly dismissed for using his position to defraud federal government. In the Matter of the Tenure Hearing of Morton, 96 N.J.A.R.2d (EDU) 440.

Past drug convictions render school custodian unfit for school employment. *Campbell v. Department of Education*, 96 N.J.A.R.2d (EDU) 431.

School custodian demonstrated rehabilitation from criminal lifestyle and fitness for school employment. *McCullough v. Department of Education*, 96 N.J.A.R.2d (EDU) 420.

School employee working as audiovisual library technician entitled to tenure protection accorded clerks because job duties were primarily clerical. *Roach v. South Orange-Maplewood School District*, 96 N.J.A.R.2d (EDU) 370.

School custodian properly terminated for poor performance and unbecoming conduct. In the Matter of the Tenure Charges Against Nathan Purcell, 96 N.J.A.R.2d (EDU) 364.

Tenure rights were not violated where decision to abolish school district assistant purchasing agent's position was found to be reasonable. *Dearden v. Board of Education of the City of Trenton*, 96 N.J.A.R.2d (EDU) 321.

Tenured school board employee's rights not affected by school board's recoupment of salary overpayment in non-tenured position. *Sklute v. Board of Education of the City of Trenton*, 96 N.J.A.R.2d (EDU) 264.

Payroll supervisor for school board properly removed from position for unbecoming conduct after arranging for negative withholding on his own paycheck. In the Matter of the Tenure Charges Against Morton, 96 N.J.A.R.2d (EDU) 236.

School information systems control specialist not tenured clerical position. In the Matter of Dempster, 96 N.J.A.R.2d (EDU) 120.

School board may abolish tenured grounds and building director's position and terminate his employment based on appointed fiscal monitor's directive. *Wollman v. Board of Education of the City of Trenton*, 96 N.J.A.R.2d (EDU) 20.

Equally entitled candidates for position of acting assistant principal and recognition was given to local school board's choice. *Chammings v. Rockaway Township Board of Education*, 93 N.J.A.R.2d (EDU) 891.

6:3-1.5 Support residencies for regularly-certified, inexperienced first-year principals

(a) Regularly-certified, inexperienced first-year principals are individuals who:

1. Acquired regular New Jersey school principal endorsements pursuant to N.J.A.C. 6:11-9.5 prior to September 1, 1989;
2. Have not previously held full-time employment as principals, vice-principals, or in other positions for which the principal endorsement is required in New Jersey or elsewhere; and
3. Have been offered employment as principals or vice-principals in a New Jersey public school district.

(b) Each district employing a regularly-certified, inexperienced first-year principal shall enter into an agreement to provide a principal residency program pursuant to N.J.A.C. 6:11-9.5, including a pre-residency experience, except that:

1. Entry requirements in N.J.A.C. 6:11-9.5 shall not apply to regularly-certified, inexperienced first-year principals;
2. Special certification evaluations as described in N.J.A.C. 6:119.5(c)5iv shall not be conducted for regularly-certified, inexperienced first-year principals, and no evaluations or recommendations concerning their certification shall be presented to the State Department of Education; and

School board's mistaken salary increase not remediable by reducing tenured staff's compensation during next school term. *DeLyon v. Board of Education of the Borough of Old Tappan*, 97 N.J.A.R.2d (EDU) 499.

District's authority to withhold salary increments due to below standard performance affirmed. *Fogarty, et al. v. State Operated School District of the City of Jersey City, Hudson County*, 97 N.J.A.R.2d (EDU) 439.

Teacher's arrest for possession of marijuana constituted conduct unbecoming a teacher and was sufficient to warrant dismissal. In the Matter of the Tenure Hearing *McIntyre*, 96 N.J.A.R.2d (EDU) 719.

Testimony of three students was insufficient to prove corporal punishment charges against physical education teacher, given teacher's previously unblemished record. In the Matter of the Tenure Hearing of *Quinones*, 96 N.J.A.R.2d (EDU) 649.

Tenured teacher who broke up fight between students by physically placing one student in chair violated ban against corporal punishment, and thus would have increment and salary withheld. In the Matter of the Tenure Hearing of *MacDowell*, 96 N.J.A.R.2d (EDU) 644.

Tenured teacher properly suspended for sexually harassing co-worker. In the Matter of the Tenure Hearing of *Paul Ash*, 96 N.J.A.R.2d (EDU) 442.

Teacher's consistent failure to effectively discipline and teach students justifies removal. In the Matter of the Tenure Hearing of *Loria*, 96 N.J.A.R.2d (EDU) 379.

Denial of salary increment upheld when teacher failed to properly supervise students. *Backer v. Roxbury Township Board of Education*, 96 N.J.A.R.2d (EDU) 349.

Withholding of employment and adjustment increments justified for teacher with less than satisfactory evaluations. *Rago v. State-Operated School District of the City of Jersey City*, 96 N.J.A.R.2d (EDU) 31.

Commissioner of Education lacks jurisdiction to hear teacher's re-employment and salary dispute with school board. *Picot v. Warren County Vocational-Technical School District*, 96 N.J.A.R.2d (EDU) 27.

Commissioner has jurisdiction to decide scope of negotiability issue pertaining to annual evaluation deadline. *Willingboro Administrators Assn. v. Willingboro Education Assn.*, 1 N.J.A.R. 327 (1980).

SUBCHAPTER 4A. (RESERVED)

Subchapter Historical Note

Subchapter 4A, Promotion and High School Graduation Requirements and Procedures, was repealed by R.2000 d.190, effective May 1, 2000. See: 32 N.J.R. 395(a), 32 N.J.R. 1528(a).

SUBCHAPTER 5. SENIORITY

6:3-5.1 Standards for determining seniority

(a) The word "employment" for purposes of these standards shall also be held to include "office" and "position."

(b) Seniority, pursuant to N.J.S.A. 18A:29-9 et seq., shall be determined according to the number of academic or calendar years of employment, or fraction thereof, as the case may be, in the school district in specific categories as hereinafter provided. The periods of unpaid absences not

exceeding 30 calendar days aggregate in one academic or calendar year, leaves of absence at full or partial pay and unpaid absences granted for study or research shall be credited toward seniority. All other unpaid absences or leaves of absence shall not receive seniority credit.

(c) In computing length of service for seniority purposes, full recognition shall be given to previous years of service within the district and the time of service in or with the military or naval forces of the United States or this State, pursuant to the provisions of N.J.S.A. 18A:28-12.

(d) Employment in the district prior to the adoption of these standards shall be counted in determining seniority.

(e) The holder of an emergency certificate shall not be entitled to seniority rights but, when he or she becomes the holder of a standard certificate, the years of employment under the emergency certificate shall count toward seniority under the standard certificate. Upon acquisition of a standard certificate, any periods of service under a provisional certificate shall also be counted toward seniority.

(f) Whenever a person shall hold employment simultaneously under two or more subject area endorsements or in two or more categories, seniority shall be counted in all subject area endorsements and categories in which he or she is or has been employed. For purposes of calculating seniority entitlement, there shall be no distinction between academic years and calendar years.

(g) Where the title of any employment is not properly descriptive of the duties performed, the holder thereof shall be placed in a category in accordance with the duties performed and not by title. Whenever the title of any employment shall not be found in the certification rules or in these rules, the holder of the employment shall be classified as nearly as may be according to the duties performed, pursuant to the provisions of N.J.A.C. 6:11-3.3.

(h) Whenever a person shall move from or revert to a category, all periods of employment shall be credited toward his or her seniority in any or all categories in which he or she previously held employment.

(i) Whenever any person's particular employment shall be abolished in a category, he or she shall be given that employment in the same category to which he or she is entitled by seniority. If he or she shall have insufficient seniority for employment in the same category, he or she shall revert to the category in which he or she held employment prior to his or her employment in the same category and shall be placed and remain upon the preferred eligible list of the category from which he or she reverted until a vacancy shall occur in such category to which his or her seniority entitles him or her.

(j) If he or she shall have insufficient seniority in the category to which he or she shall revert, he or she shall, in

like manner, revert to the next category in which he or she held employment immediately prior to his or her employment in the category to which he or she shall have reverted, and shall be placed and remain upon the preferred eligible list of the next preceding category, and so forth, until he or she shall have been employed or placed upon all the preferred eligible lists of the categories in which he or she formerly held employment in the school district.

(k) In the event of his or her employment in some category to which he or she shall revert, he or she shall remain upon all the preferred eligible lists of the categories from which he or she shall have reverted, and shall be entitled to employment in any one or more such categories whenever a vacancy occurs to which his or her seniority entitles him or her.

(l) The following shall be deemed to be specific categories, not necessarily numbered in order of precedence:

1. Superintendent of schools;
2. Assistant superintendent;
 - i. Each assistant superintendency shall be a separate category; and
 - ii. District boards of education shall adopt a job description for each assistant superintendent position which shall set forth qualifications and endorsements for such position;
3. Director;
 - i. Each director position shall be a separate category; and
 - ii. District boards of education shall adopt job descriptions for each director position which sets forth the qualifications and endorsements for such position;
4. High school principal;
5. Adult high school principal;
6. Alternative school principal;
7. Vocational school principal;
8. Junior high school principal;
9. Elementary principal;
10. Supervisor;
 - i. Each supervisory title shall be a separate category; and

ii. District boards of education shall adopt a job description for each supervisory position which sets forth the qualifications and specific endorsements required for such position;

11. High school vice-principal or assistant principal;
12. Adult high school vice-principal or assistant principal;
13. Alternative school vice-principal or assistant principal;
14. Junior high school vice-principal or assistant principal;
15. Elementary school vice-principal or assistant principal;
16. Vocational school vice-principal or assistant principal;
17. Secondary. The word "secondary" shall include grades nine through 12 in all high schools, grades seven and eight in junior high schools and grades seven and eight in elementary schools having departmental instruction;

i. Any person holding an instructional certificate with subject area endorsements shall have seniority within the secondary category only in such subject area endorsement(s) under which he or she has actually served;

ii. Whenever a person shall be reassigned from one subject area endorsement to another, all periods of employment in his or her new assignment shall be credited toward his or her seniority in all subject area endorsements in which he or she previously held employment;

iii. Any person employed at the secondary level in a position requiring an educational services certificate or a special subject field endorsement shall acquire seniority only in the secondary category and only for the period of actual service under such educational services certificate or special subject field endorsement; and

iv. Persons employed and providing services on a district-wide basis under a special subject field endorsement or an educational services certificate shall acquire seniority on a district-wide basis;

18. Elementary. The word "elementary" shall include kindergarten, grades one through six and grades seven and eight without departmental instruction;

i. District boards of education who make a determination to reorganize instruction at grades seven and eight pursuant to these rules must do so by adoption of a formal resolution setting forth the reasons for such reorganization;

3. The racial composition of the pupil population enrolled in the regional district from the withdrawing district or municipality, and the effect of such withdrawal upon the racial composition of the remaining pupil population of the regional district;

4. Two appraisals of each school site which is part of the regional district prepared by qualified appraisers. If two or more constituent districts or municipalities request such a study, the selection of the appraisers and the cost of the required appraisals shall be made and shared jointly; and

5. The proposed educational plan for the pupils from the withdrawing district or municipality presently enrolled in the school or schools of the regional district.

(b) Within 21 days following adoption of such resolution, such body shall confer with the remaining constituent districts and/or the governing bodies of the constituent municipalities, and the regional board of education and the county superintendent to review the procedure required for withdrawal from a regional school district. Such conference may be called by the county superintendent at the request of a constituent district or municipality prior to its adoption of such resolution.

Case Notes

Request for severance of sending-receiving relationship between districts denied. *Bloomington Borough Board of Education v. Butler Borough Board of Education*, 94 N.J.A.R.2d (EDU) 553.

Negative racial impact of terminating sending-receiving agreement precluded termination, even though no financial or educational negative impact was shown. *Board of Education of Borough of Merchantville v. Board of Education of Township of Pennsauken*, 93 N.J.A.R.2d (EDU) 464.

6:3-7.2 Investigation and report by county superintendent of schools

(a) Upon receipt of the resolution and accompanying data pursuant to N.J.A.C. 6:3-7.1, the county superintendent shall make an investigation and shall within 60 days after receipt of such request issue a report, in accordance with N.J.S.A. 18A:13-52 or 18A:13-67, to governing bodies of the municipalities constituting the regional district and the board of education of the regional district. If the county superintendent's report addresses the withdrawal of a constituent district or districts from a limited purpose regional district, the report shall also be issued to the boards of education of the constituent district. When the county superintendent has begun such investigation, no action shall be taken upon a subsequent request from another constituent district or municipality of the same regional district until the investigation, report and action thereon have been completed. This report shall be based on data supplied by the petitioning district(s) or municipality(ies) including, but not limited to, the following:

1. A general description of the regional district, including the number of constituent districts, schoolhouses, area of the total district, and area of the withdrawing district or municipality;

2. Enrollment data, including the number of pupils enrolled as reported by grade on the Annual Application for State School Aid and estimated projected enrollment, by grade level, for the succeeding five school years for both the withdrawing district or municipality and the remaining regional district, based on growth factors using average percentages for the last three school years;

3. Enrollment data, by grade level, showing the racial composition of the present regional pupil population and the resulting racial composition for both the withdrawing district or municipality and the remaining regional district if withdrawal is approved;

4. The operating expenses of the regional district for the present school year including the distribution of such current operating expenses among the constituent districts or municipalities;

5. The equalized valuation of each constituent district or municipality of the regional district as set forth in N.J.S.A. 18A:7F-1 et seq.;

6. The average equalized valuations of the real property of each constituent district or municipality of the regional district as set forth in N.J.S.A. 18A:24-1 et seq.;

7. The borrowing margin of each constituent district or municipality of the regional district as determined by N.J.S.A. 18A:24-1 et seq., and the revised borrowing margin of each constituent district or municipality and the withdrawing district or municipality, if approval is granted;

8. The apportionment of debt service for the current school year among all the constituent districts or municipalities of the regional district by dollar amounts and percentages;

9. The replacement costs of schoolhouses and additions, grounds, furnishings and equipment of the regional district, and the replacement cost of any schoolhouse, and additions of the regional district including grounds, furnishings, and equipment, situated in the withdrawing district or municipality. School building replacement costs will be calculated by the Bureau of Facility Planning Services as follows:

i. The current overall cost per square foot for school construction in New Jersey, updated annually in the fall of each year, will be multiplied by the gross area of the building;

ii. This figure will include construction costs, moveable and built-in furniture and equipment, and fees; and

iii. Site costs will be excluded since they are already included under N.J.A.C. 6:3-7.1(a)4;

10. The amount of indebtedness, if any, to be assumed by the withdrawing constituent district or municipality;

11. The distribution of assets and liabilities of the existing regional district and remaining regional district following withdrawal in the manner as provided by N.J.S.A. 18A:8-24;

12. A proposed educational plan for the withdrawing constituent district or municipality, if withdrawal is approved, including the effects of such withdrawal upon the educational program of the remaining regional district;

13. A summary of the advantages of withdrawal to both the withdrawing constituent district or municipality and the remaining regional district and the disadvantages to the withdrawing constituent district or municipality and the remaining regional district; and

14. A recommendation regarding the request for withdrawal from the regional school district by the county superintendent.

(b) Upon adoption of a resolution, in accordance with N.J.S.A. 18A:13-51 or 13-66, the board of education of the regional school district shall not incur any additional indebtedness for capital projects, pending either the rejection of the proposal at a special school election or an effective date of withdrawal as determined by the Commissioner of Education.

Amended by R.1999 d.342, effective October 4, 1999.
See: 31 N.J.R. 1662(a), 31 N.J.R. 2917(a).

In the introductory text of (a) and in (a)5, updated references.

Case Notes

Local school district lacked authority to issue bonds to finance proposed payment to regional district upon favorable vote. Winslow Tp. Bd. of Educ. v. Board of Review, 275 N.J.Super. 206, 645 A.2d 1230 (A.D.1994).

6:3-7.3 Special school election

(a) If the application is granted upon completion of the procedures contained in N.J.S.A. 18A:13-54 to 56 or 18A:13-69 to 71, the county superintendent shall confer with the regional board and the boards of education of the constituent districts of a limited purpose regional district or the constituent municipal governing bodies of an all purpose regional district and fix a day and time for holding a special school election, in accordance with the provisions of N.J.S.A. 18A:13-57 or 18A:13-72.

(b) To be effective the proposal must be adopted by a majority of the legal votes cast within the withdrawing constituent district or municipality, and, in addition, a majority of the combined legal votes cast within the remainder of the regional district.

6:3-7.4 Final determination of board of review

The board of review, which shall consist of the Commissioner, who shall be chairperson, the State Treasurer or his or her designee, and the Director of the Division of Local Government of Community Affairs, shall include in its final determinations required by N.J.S.A. 18A:13-56 or 18A:13-71, any specific conditions under which its consent is granted in order to insure that a thorough and efficient system of public schools will be maintained in the withdrawing district(s) or municipality(ies) and the remaining regional district.

Case Notes

Section of statute allowing state Board of Education to deny petition for authorization to conduct referendum on dissolution of regional school district for "Any other reason which it may deem to be sufficient. . ." requires reason that implicates constitutional obligation for maintenance of thorough and efficient system of free public schools. In re Petition for Authorization to Conduct a Referendum on the Dissolution of Union County Regional High School Dist. No. 1, 298 N.J.Super. 1, 688 A.2d 1082 (A.D.1997).

School districts cannot agree to a two-year moratorium on opposition to severance of a sending/receiving relationship. Lincoln Park Board of Education v. Boonton Board of Education, 95 N.J.A.R.2d (EDU) 493.

Negative fiscal and educational consequences precluded severance of sending-receiving relationship between school districts. Bloomingdale Board of Education v. Butler Board of Education, 95 N.J.A.R.2d (EDU) 151.

Termination of sending-receiving relationship authorized. Board of Education of Township of Boonton v. Board of Education of Town of Boonton, 92 N.J.A.R.2d (EDU) 235.

6:3-7.5 Effective date of withdrawal

If approved at said election, the withdrawal of the district or municipality shall become effective upon a date to be determined by the Commissioner of Education, pursuant to the provisions of N.J.S.A. 18A:13-59 or 18A:13-74.

SUBCHAPTER 8. (RESERVED)

Subchapter Historical Note

Subchapter 8, School Ethics Commission, was recodified as N.J.A.C. 6A:28 by R.2000 d.139, effective April 3, 2000. See: 31 N.J.R. 4166(a), 32 N.J.R. 1189(a).

SUBCHAPTER 9. (RESERVED)