



New Jersey School Boards Association

413 West State Street • P.O. Box 909 • Trenton, NJ 08605-0909 • Telephone: 609.695.7600 • Toll-Free: 888.88NJSBA • Fax: 609.695.0413

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NJ Personnel Administrators Association

Legislative Update

COVID-Related Legislation

The Legislature continues to introduce and advance various bills affecting school districts that are in direct response to the COVID-19 pandemic. Those that have recently received consideration include:

- ***QSAC Relief & Flexibility***

A-4006/S-2404: Postpones New Jersey Quality Single Accountability Continuum (NJQSAC) review for certain school districts to accommodate disruption due to COVID-19 pandemic.

➔ *Status: Governor Murphy vetoed the legislation on October 19. In his veto statement, the Governor indicated that “the DOE has already taken proactive measures to address the needs of school districts with respect to NJQSAC reviews affected by COVID-19.”*

A-4975/S-3187: Postpones New Jersey Quality Single Accountability Continuum (NJQSAC) review for certain school districts to accommodate disruption due to COVID-19 pandemic.

➔ *Status: Both bills have received committee approval.*

- ***Cooperative Purchasing***

A-4461/S-2698: Requires State to enter into contract and coordinate with certain cooperative purchasing systems for procurement of COVID-19 related goods and services by school districts.

➔ *Status: The legislation has passed the full Assembly, Senate committee, and is likely to receive final legislative approval at the next Senate voting session.*

- ***Budget Flexibility***

A-4310/S-2691: Authorizes school districts to maintain surplus at four percent for 2020-2021 and 2021-2022 school years.

➔ *Status: S-2691 has passed the full Senate. A-4310 received committee approval and awaits a floor vote.*

- ***Use of Reserve Funds for COVID-19 Expenses***

S-2507/A-4178: Permits school district to use funds from capital reserve account and current expense emergency reserve account for certain expenses during state of emergency.

➔ *Status: S-2507 has received committee approval. A-4178 is pending a committee hearing.*

- ***School Audit Delay***

S-3043/A-4603: Extends deadline for completion and filing of annual audit report of school district for 2019-2020 school year; establishes deadline for submission of Audit Summary for 2019-2020 school year.

➔ *Status: Signed into law on 12/4/20. Effective immediately.*

- ***Remote Learning Pods***

S-2899/A-4662: Establishes Safe Remote Learning Program in DOE to support provision of remote instruction facilities by public schools.

➔ *Status: Passed Senate committee*

- ***Retired School Nurses***

A-4544: Permits school nurse who is retired from TPAF to return to employment during public health emergency and state of emergency for COVID-19 pandemic, for up to two years without reenrollment in TPAF.

➔ *Passed full Assembly*

- ***Studying Learning Loss Due to Pandemic***

S-3214: Requires Commissioner of Education to prepare learning loss report and report on public school operations during COVID-19 public health emergency.

➔ *Passed Senate committee*

Coaches Job Protection Measure Stalls

On October 29, the full Senate was scheduled to take a floor vote on Senate Bill No. 2843, which establishes various job protections for high school athletic coaches. However, the Senate removed the bill from its board list prior to the start of the voting session and it did not receive a vote.

Specifically, S-2843 would:

- Grant three-year employment contracts to all high school varsity coaches. All assistant coaches would be given two-year contracts.
- Direct a school district official to provide written notice of the basis for the dismissal of a coach within five days after the decision is made by the official but prior to any action being taken by the board of education. The bill would further provide that any coach dismissed based on a poor annual evaluation must be provided one year in which to correct and overcome any identified deficiencies.
- Authorize a dismissed coach to request a hearing before the board of education after receiving the written notice of the basis for the dismissal. Such coach would also be entitled to representation by counsel, to present witnesses, and to ask questions and cross examine any of the district officials who participated in making the termination decision. The hearing would take place in executive session with a court reporter (paid for by the district) present.
- Permit a board of education's decision to dismiss a coach to be appealed to the commissioner of education.

Job Protection Measures Approved

P.L.2020, c.79 (S-2303/A-4140) - Concerns subcontracting agreements entered into by public school districts and county colleges.

The law imposes the following conditions and requirements on any school district considering the subcontracting of various services and personnel, such as paraprofessionals, food services, pupil transportation, custodial services, and building and grounds:

- Makes the employer's decision to subcontract a mandatory subject of negotiations;
- Prohibits subcontracting during the term that a collective bargaining agreement is in effect;
- Requires the employer to provide written notice to any union that may be impacted by the decision to subcontract at least 90 days prior to soliciting bids for a subcontracting agreement;
- Provides the union the right to meet and consult with the board of education to discuss the decision to subcontract and the opportunity to engage in negotiations over the impact of subcontracting; and
- Grants any employee replaced or displaced by the subcontracting agreement any previously acquired seniority and recall rights whenever the subcontracting ends.

***P.L.2020, c.66* (S-993/A-631) - Concerns arbitration for certain non-teaching school staff.**

This law subjects a board of education's personnel decisions to challenges through binding arbitration. The law grants a non-teaching staff member the right to submit to binding arbitration virtually any disciplinary action taken by a board of education against the individual. The bill includes an expansive definition of disciplinary action that includes reprimands, withholding of increments, terminations or non-renewals, expiration or lapse of employment, or lack of continuation of employment. In addition, it permits the employee to submit to binding arbitration any dispute regarding a disciplinary action regardless of the reason behind the employer's action.

“Chapter 44” (New Health Benefits Law) Survey

The New Jersey Association of School Business Officials is gathering information on districts' cost savings or increased costs due to the implementation of P.L.2020, c.44 (“Chapter 44”). All new employees hired on or after July 1, 2020 must enroll in the NJ Educators Health Plan (EHP) effective January 1, 2021. Districts are required to hold an affirmative selection enrollment for all employees and offer the EHP as well. The survey link will capture information on the employees hired on or after July 1, 2020 in one section and those hired prior to that date in the second section.

Follow this link to access the survey: <https://www.njasbo.com/news/535185/Ch-44-survey-COA.htm>