

SENATE, No. 460

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Permits the consolidation of a county vocational school district and county special services school district into a single school district.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning county vocational school districts and county
2 special services school districts and supplementing chapter 54 of
3 Title 18A of the New Jersey Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. a. In a county in which a county special services school
9 district and a county vocational school district have been
10 established as of the effective date of P.L. , c. (C.)(now
11 pending before the Legislature as this bill), the board of chosen
12 freeholders may, by resolution, authorize the consolidation of the
13 two districts into a single new district which shall be known as the
14 ".....(here insert the name of the county in which the
15 district is located) County School District."

16 b. In the case of a county in which a county special services
17 school district has not been established as of the effective date of
18 P.L. , c. (C.)(now pending before the Legislature as this
19 bill), if the board of chosen freeholders determines that there is a
20 need for a county special services school district pursuant to section
21 1 of P.L.1971, c.271 (C.18A:46-29), the board may, by resolution,
22 authorize the establishment of a single district which shall be
23 known as the ".....(here insert the name of the county in
24 which the district is located) County School District."

25
26 2. a. The board of education of the school district established
27 pursuant to section 1 of this act shall consist of the county
28 superintendent of schools, ex officio, and six persons to be
29 appointed by the chief elected executive officer of the county, or the
30 director of the board of chosen freeholders, with the advice and
31 consent of the remaining members of the board of chosen
32 freeholders, as appropriate to the appointment procedures
33 established by the form of government of the county. In any county
34 having a county mental health board, the chairman thereof, or his
35 designee, shall also serve as an ex-officio, nonvoting member of the
36 board. At least three of the appointed members shall have an
37 interest in children with an educational disability or in the field of
38 mental health. The appointed members shall serve for terms of
39 three years and shall continue to serve until their successors are
40 appointed and qualify. A vacancy in the board shall be deemed to
41 exist, and shall be filled, in the manner prescribed in P.L.1979,
42 c.302 (C.40A:9-12.1).

43 Each appointed member shall be a citizen and resident of the
44 county and shall have been a citizen and resident for at least two
45 years immediately preceding his becoming a member of the board.
46 If an appointed member ceases to be a resident of the county, his
47 membership on the board shall cease.

1 b. The membership of the initial board of education in a school
2 district established pursuant to section 1 of this act shall consist of
3 the ex officio members provided for in subsection a. of this section
4 and all of the appointed members of the boards of education of the
5 dissolving districts. The terms of these appointed members shall
6 expire on the date on which their terms on the dissolving board of
7 education would have expired. As the terms expire the positions
8 shall be abolished until there are six appointed members remaining
9 on the board. Thereafter when a term of one of the appointed
10 members expires, the vacancy shall be filled as provided pursuant to
11 this section and the member shall serve a three year term from
12 November 1 next succeeding the date of his appointment.

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14 3. The board of education provided for herein shall be a body
15 corporate and shall be known as "The Board of Education of the
16 County School District of the county of, "(here insert the name
17 of the county in which the district is located).

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19 4. Each board of education of a county school district shall
20 organize annually on November 1 by the election of a president and
21 vice-president, unless November 1 falls on Sunday, in which case
22 the board shall organize on the following day.

23 If the organization meeting cannot take place on the day
24 hereinabove provided for by reason of a lack of a quorum or for any
25 other reason, the meeting shall be held within 3 days thereafter.

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27 5. The board established pursuant to section 2 of this act shall
28 have all the powers, functions and duties provided to a board of
29 education of a county special services school district and a board of
30 education of a county vocational school district pursuant to article
31 8 of chapter 46 of Title 18A of the New Jersey Statutes and article 3
32 of chapter 54 of Title 18A of the New Jersey Statutes, respectively.

33

34 6. The board of school estimate of a county school district shall
35 consist of two members of the board of education of the school
36 district, appointed by that board, two members of the board of
37 chosen freeholders of the county in which the school district is
38 situate, appointed by that board, and the county executive in a
39 county operating under the county executive plan pursuant to the
40 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
41 seq.), and the director of the board of chosen freeholders, in other
42 counties.

43 The appointments shall be made annually between January 1 and
44 January 15. In case of a vacancy occurring in the board of school
45 estimate by reason of the resignation, death, or removal of any
46 appointed member, the vacancy shall be filled immediately by the
47 body which originally appointed the member, by appointing another
48 of its members to fill the vacancy. The secretary of the board of

1 education of the school district shall be the secretary of the board of
2 school estimate, but shall receive no compensation as such.

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4 7. a. Whenever a county special services school district and a
5 county vocational school district are consolidated into a county
6 school district pursuant to subsection a. of section 1 of this act, the
7 school districts that were consolidated shall be dissolved upon the
8 first organization of the board of education of the county school
9 district.

10 b. Upon the dissolution of the county special services school
11 district and the county vocational school district the officer having
12 custody of the funds of the districts shall deliver all of the funds of
13 the dissolved district in his possession to the secretary of the
14 county school district who shall provide him with a receipt therefor
15 and the secretary shall immediately turn the funds over to the
16 custodian of school moneys of the county school district.

17 c. All personal property, books, papers, vouchers and other
18 documents belonging to the districts being dissolved, shall be
19 transferred to the secretary of the county school district who shall
20 cause a complete inventory to be made on all assets, real and
21 personal, received by the county school district. Upon and after the
22 date of dissolution of the districts all proceeds of taxes of any
23 nature raised or to be levied for use or benefit of each dissolving
24 school district and rights and claims with respect thereto, and all
25 the property, funds, moneys and assets of each dissolving district
26 shall vest in the county school district and that district shall be
27 subject to all the contracts, debts and other obligations of each
28 dissolving district.

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30 8. a. Whenever a county school district is established pursuant
31 to subsection b. of section 1 of this act, the county vocational
32 school district shall be dissolved upon the first organization of the
33 board of education of the county school district.

34 b. Upon the dissolution of the county vocational school district
35 the officer having custody of the funds of the district shall deliver
36 all of the funds of the dissolved district in his possession to the
37 secretary of the county school district who shall provide him with a
38 receipt therefor and the secretary shall immediately turn the funds
39 over to the custodian of school moneys of the county school district.

40 c. All personal property, books, papers, vouchers and other
41 documents belonging to the district being dissolved, shall be
42 transferred to the secretary of the county school district who shall
43 cause a complete inventory to be made on all assets, real and
44 personal, received by the county school district. Upon and after the
45 date of dissolution of the district all proceeds of taxes of any nature
46 raised or to be levied for use or benefit of the dissolving school
47 district and rights and claims with respect thereto, and all the
48 property, funds, moneys and assets of the dissolving district shall

1 vest in the county school district and that district shall be subject to
2 all the contracts, debts and other obligations of the dissolving
3 district.

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5 9. All principals, teachers and employees in the employ of a
6 school district being dissolved pursuant to sections 7 or 8 of this act
7 shall be transferred to and continue in their respective employments
8 in the employ of the county school district and their rights to tenure,
9 pension and accumulated leave of absence accorded under the laws
10 of the State shall not be affected by their transfer to the employ of
11 the county school district.

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13 10. The State Board of Education shall promulgate rules
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.), to effectuate the provisions of this act,
16 including rules governing the duties and responsibilities of a board
17 of school estimate of a county school district and setting forth the
18 method for providing State aid to a county school district.

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20 11. This act shall take effect immediately.

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23 STATEMENT
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25 This bill permits the consolidation of a county special services
26 school district and a county vocational school district in those
27 counties in which both types of districts have been established as of
28 the effective date of this bill. In the case of a county which has not
29 established a county special services school district as of the
30 effective date of this bill, if the board of chosen freeholders
31 determines the need for a county special services school district,
32 then the board will be permitted, by resolution, to establish a
33 combined county school district. Currently eight counties have
34 established county special services school districts. A county
35 vocational school district exists in every county. The newly formed
36 district will be referred to as the "County School District."

37 The board of education of a county school district will consist of
38 the county superintendent of schools, ex officio, and six persons to
39 be appointed by the chief elected executive officer of the county, or
40 the director of the board of chosen freeholders, with the advice and
41 consent of the remaining members of the board of chosen
42 freeholders, as appropriate to the appointment procedures
43 established by the form of government of the county. In any county
44 having a county mental health board, the chairman thereof, or his
45 designee, will also serve as an ex-officio, nonvoting member of the
46 board. At least three of the appointed members will have an
47 interest in children with an educational disability or in the field of
48 mental health. The appointed members must be citizens and

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1 residents of the county for at least two years immediately preceding
2 appointment to the board and will serve for terms of three years.

3 The bill provides that all of the appointed members on the
4 dissolving boards of education will serve on the first board of
5 education of the consolidated district. As the terms of the appointed
6 members expire, the positions on the board will be abolished until
7 the number of appointed members on the board reaches six.
8 Thereafter, appointments will be made pursuant to the provisions of
9 the bill.

10 The bill also provides for the establishment of a board of school
11 estimate in a county school district. The board of school estimate
12 will consist of two members of the board of education of the county
13 school district, appointed by that board, two members of the board
14 of chosen freeholders of the county in which the school district is
15 situate, appointed by that board, and the county executive in
16 counties operating under the county executive plan pursuant to the
17 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
18 seq.) and the director of the board of chosen freeholders, in other
19 counties.

20 Under the provisions of the bill, the State Board of Education
21 will promulgate rules to effectuate the provisions of the bill
22 including rules governing the duties and responsibilities of a board
23 of school estimate of a county school district and setting forth the
24 method for providing State aid to a county school district.