

SENATE, No. 792

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

SYNOPSIS

Permits newly created regional school districts or enlarging regional school districts to determine apportionment methodology for their boards of education on basis other than population.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S792 SARLO

1 AN ACT concerning regional school districts, amending various
2 sections of the New Jersey Statutes, and supplementing chapter
3 13 of Title 18A of the New Jersey Statutes.
4

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

7
8 1. (New section) Notwithstanding any section of law to the
9 contrary, the boards of education proposing to form a newly created
10 regional school district may by resolution frame and adopt a
11 proposal to calculate and apportion the membership of the board of
12 education of the newly created regional district other than in
13 accordance with the provisions of N.J.S.18A:13-8. If the
14 commissioner approves the alternative apportionment, then that
15 alternative apportionment shall be included in the consultation,
16 study, and investigation conducted pursuant to N.J.S.18A:13-34 to
17 determine whether it is advisable for school districts to form a
18 newly created regional school district. If the commissioner or his
19 representative determines that it is advisable for such districts to
20 form a newly created regional school district, and the question of
21 whether or not the proposal to create a regional district is submitted
22 to the voters pursuant to N.J.S.18A:13-34, and the proposal is
23 adopted by the voters pursuant to N.J.S.18A:13-35, then the
24 members of the board of education of the regional district shall be
25 elected in accordance with such alternate apportionment.
26

27 2. (New section) Notwithstanding the provisions of
28 N.J.S.18A:13-9 or any other section of law to the contrary, in the
29 case in which the membership of the board of education of the
30 regional district is apportioned pursuant to section 1 or section 3 of
31 P.L. , c. (C.) (pending before the Legislature as this bill), the
32 apportionment shall continue in effect until the official
33 promulgation of the next federal census. Immediately after the
34 official promulgation of a federal census, the Commissioner of
35 Education shall consult with the constituent districts of the regional
36 district to determine whether or not to reapportion the membership
37 of the board of education of the regional district. All members of
38 the board of education of the regional district shall continue in
39 office for the terms for which they were elected or appointed
40 notwithstanding any reapportionment ordered by the commissioner.
41 If any constituent district receives increased representation on the
42 board as a result of a reapportionment ordered by the commissioner,
43 the additional members shall be elected at the next annual school
44 election of the regional district. If, as a result of such
45 reapportionment, a disproportionate number of the total

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 representatives of any one constituent district to a regional board
2 are to be elected at a single annual school election, the
3 commissioner shall have the power, on petition of a constituent
4 district board of education, to alter the term of any member
5 representing such constituent district by not more than one year, so
6 as to temporarily apportion, as equally as possible over any given
7 three-year period, the election of the members representing such
8 constituent district.

9
10 3. (New section) a. Notwithstanding the provisions of any
11 section of law to the contrary, the board of education of a regional
12 district and the board or boards of education of one or more local
13 districts determined to enlarge the regional school district may by
14 resolution frame and adopt a proposal to calculate and apportion the
15 membership of the enlarged board of education other than in
16 accordance with the provisions of N.J.S.18A:13-8 and
17 N.J.S.18A:13-36. If the commissioner approves the alternative
18 apportionment, then that alternative apportionment shall be
19 included in the consultation, study, and investigation conducted
20 pursuant to N.J.S.18A:13-43 to determine whether it is advisable to
21 enlarge the regional school district to include the local district or
22 districts therein. If the commissioner or his representative
23 determines that it is advisable to enlarge the regional school district
24 to include the local district or districts therein, and the question of
25 whether or not the proposal to enlarge the regional district is
26 submitted to the voters pursuant to N.J.S.18A:13-43, and the
27 proposal is adopted by the voters pursuant to N.J.S.18A:13-44, then
28 the members of the enlarged board of education of the regional
29 district shall be elected in accordance with the alternate
30 apportionment.

31 For an enlarged regional district with a board of education
32 apportioned pursuant to this section, the executive county
33 superintendent of the county in which any new constituent district
34 of an enlarged regional district is situate shall, not later than 30
35 days after the election for the enlargement thereof, appoint one
36 member of the enlarged board of education of the regional district
37 from among the qualified citizens of each new constituent district,
38 and the members so appointed shall serve until the first Monday
39 succeeding the first annual April school election of the enlarged
40 regional district. In the case of a regional district in which the
41 annual school election is in November, the members so appointed
42 shall serve until the first week in January next succeeding the first
43 annual November school election of the enlarged regional district.

44 b. The commissioner shall reapportion the membership of the
45 enlarged board of education in accordance with the alternative
46 apportionment determined pursuant to this section, and shall
47 designate the number of members to be elected from each
48 constituent school district. All members of the board of education

1 of the enlarged regional district shall be elected in accordance with
2 the alternative apportionment at the next annual school election
3 after the election to enlarge the regional district.

4 c. The commissioner shall allocate the initial elective terms for
5 the first elective members of the enlarged board in the following
6 manner:

7 (1) In regional districts having nine members, three members
8 shall be elected for three years, three for two years and three for one
9 year, which terms shall be allocated to the constituent districts to
10 the extent of apportioned membership on the regional board of
11 education, starting with the allocation of the terms of three years, by
12 allocating one of such terms to each of the constituent districts in
13 the alphabetical order of the names of such districts, and continuing
14 then still in such order with allocation of the terms of two years and
15 with allocation of the terms of one year.

16 (2) In regional districts in which there are more than nine
17 constituent school districts, the allocation for the tenth district shall
18 be a term of three years, for the eleventh district a term of two
19 years, and for the twelfth district a term of one year, with
20 continuation of such rotation until provision has been made for
21 allocation of the terms to all districts.

22

23 4. N.J.S.18A:13-8 is amended to read as follows:

24 18A:13-8. The board of education of a regional district shall
25 consist of nine members unless it consists of more than nine
26 constituent districts, in which case the membership shall be the
27 same as the number of constituent districts, plus one. **[If]** Except as
28 otherwise provided pursuant to section 1 or section 3 of P.L. _____,

29 c. (C.) (pending before the Legislature as this bill), if there are
30 nine or less constituent districts, the members of the board of
31 education of the regional district shall be apportioned by the
32 executive county superintendent or executive county
33 superintendents of the county or counties in which the constituent
34 districts are situate, among said districts as nearly as may be
35 according to the number of their inhabitants except that each
36 constituent district shall have at least one member.

37 In making the apportionment of the membership of a regional
38 board of education among the several school districts uniting to
39 create a regional school district having nine or less constituent
40 districts, as required by section 18A:13-36, there shall be subtracted
41 from the number of inhabitants of a constituent school district, as
42 shown by the last federal census officially promulgated in this
43 State, the number of such inhabitants who according to the records
44 of the Federal Bureau of the Census were patients in, or inmates of,
45 any State or federal hospital or prison, or who are military
46 personnel stationed at, or civilians residing within the limits of, any
47 United States Army, Navy or Air Force installation, located in such
48 constituent school district.

1 **[If]** Except as otherwise provided pursuant to section 1 or
2 section 3 of P.L. , c. (C.) (pending before the Legislature as
3 this bill), if there are more than nine constituent districts, the
4 members on the board shall be apportioned among the constituent
5 districts and the weight of their votes in all proceedings of the board
6 shall be determined by the appropriate executive county
7 superintendent or superintendents through the following procedure:

8 a. The number of inhabitants of each constituent district shall
9 be determined as shown by the last federal census officially
10 promulgated in this State.

11 b. A representative ratio shall be calculated by adding the
12 number of inhabitants of all constituent districts and dividing the
13 sum by the board size.

14 c. All constituent districts shall be listed in ascending order of
15 their number of inhabitants. If the first constituent district in said
16 list has a number of inhabitants which is less than the representative
17 ratio, it shall be combined with the constituent district contiguous to
18 it having the smallest number of inhabitants. This process shall be
19 repeated for each successively larger constituent district or
20 combination of constituent districts until all remaining constituent
21 districts or combinations of constituent districts shall have a number
22 of inhabitants equal to, or exceeding the representative ratio. The
23 districts formed in this manner shall be known as representative
24 districts.

25 d. There shall be established a priority list according to the
26 method of equal proportions for the apportionment of the members
27 of the regional district board of education among the representative
28 districts.

29 e. The members of the regional district board of education shall
30 be apportioned among the representative districts according to the
31 method of equal proportions, and where a representative district is
32 composed of more than one constituent district, members shall be
33 elected at large from within the representative district.

34 f. The number of inhabitants of each representative district
35 shall be divided by the number of members assigned to that district
36 to find the number of inhabitants per member.

37 g. The vote to be cast by each member of the regional district
38 board of education in all proceedings of the board shall be
39 determined by dividing the number of inhabitants per member in the
40 representative district from which the member is elected by the
41 representative ratio for the regional district, and rounding off the
42 quotient to the nearest tenth of a full vote.

43 Wherever any statute or bylaw of the board requires decision in
44 any matter by vote of a majority of the board members, or of the
45 members present, this shall be interpreted as meaning a majority of
46 the weighted votes of all members, or of the members present, as
47 the case may be.

1 h. Whenever the above reapportionment procedure is used for a
2 regional district having more than nine constituent districts, the
3 terms of office of all incumbent board of education members shall
4 terminate on the day on which the annual organization meeting of
5 the board is held pursuant to N.J.S.18A:13-12 following
6 certification by the executive county superintendent of the
7 representative districts and the number of members to be elected
8 from each; provided, that if the reapportionment results in any
9 representative district retaining its former boundaries and the same
10 number of board members, that the members elected from such a
11 district shall serve the full term for which they were elected. All
12 other board members shall be elected in an election to be held on
13 the date of the annual school election at least 60 days following
14 certification by the executive county superintendent for initial terms
15 of office to be designated in advance by the executive county
16 superintendent so that, as nearly as possible, one-third of the board
17 shall be elected in each future year, to serve for three-year terms,
18 and where a representative district has more than one member, their
19 terms of office shall terminate in different years.

20 If any constituent district is a consolidated district, or a district
21 composed of two or more municipalities, and

22 a. The original district is a limited purpose regional district and
23 such constituent district has such population that it is entitled to
24 have apportioned to it a number of members equal to or greater than
25 the number of districts making up such constituent district, or

26 b. The regional district is an all purpose district, the
27 membership of the regional board of education from such district
28 shall be apportioned, and from time to time reapportioned, and the
29 members from the district shall be elected, as their respective terms
30 expire, in the same manner as though each of the municipalities
31 making up such constituent district were constituent districts of the
32 regional district.

33 (cf: P.L.2011, c.202, s.8)

34

35 5. N.J.S.18A:13-36 is amended to read as follows:

36 18A:13-36. **【The】** Except as otherwise provided in section 1 of
37 P.L. , c. (C.) (pending before the Legislature as this bill), the
38 executive county superintendent or executive county
39 superintendents of any county or counties, in which such newly
40 created regional district is situate, shall calculate and apportion the
41 membership of the board of education of such newly created
42 regional district in accordance with the provisions of **【section】**
43 N.J.S. 18A:13-8 and if such regional district is an all purpose
44 regional district such membership shall be apportioned among the
45 municipalities included within the districts according to the number
46 of their inhabitants, as apportionment is made among constituent
47 districts forming a limited purpose regional district, and the

1 members shall be elected or appointed in accordance with such
2 apportionment.

3 (cf: N.J.S.18A:13-36)

4

5 6. N.J.S.18A:13-39 is amended to read as follows:

6 18A:13-39. The first elected members of the board of a newly
7 created regional district shall be elected at the annual election to be
8 held in the calendar year first succeeding the year in which the
9 **【special】** election for the creation of the district was held.

10 (cf: N.J.S.18A:13-39)

11

12 7. N.J.S.18A:13-41 is amended to read as follows:

13 18A:13-41. A regional board of education of a newly created
14 regional district shall take charge and control of the educational
15 facilities of the constituent districts in the classes or grades for
16 which the same is formed when the commissioner shall certify to
17 the boards of education of each of the constituent districts that
18 suitable facilities and accommodations have been made available
19 for the instruction of the pupils in said regional district, but it shall
20 not take charge and control of such educational facilities earlier
21 than July 1 of the calendar year next ensuing the date of the
22 **【special】** election for the creation of the district, except by
23 agreement between the regional board and the boards of education
24 of the constituent districts, approved by the commissioner. Until
25 the commissioner shall so certify, the charge and control of the
26 educational facilities of the constituent districts in the classes and
27 grades for which the regional district was formed shall continue to
28 be in the respective boards of education of the constituent districts.

29 (cf: N.J.S.18A:13-41)

30

31 8. N.J.S.18A:13-43 is amended to read as follows:

32 18A:13-43. If the board of education of a regional district and
33 the board or boards of education of one or more local districts, and
34 the commissioner or his representative, after consultation, study and
35 investigation, shall determine that it is advisable to enlarge the
36 regional school district so as to include said local district or districts
37 therein, the board of education of the regional district and of each
38 such local district shall by resolution frame and adopt a proposal to
39 that effect and shall **【call for, and conduct,】** submit upon the same
40 day, **【a special school election】** in such regional district and in each
41 such local school district, **【and shall submit thereat】** at a special
42 school election or at an election to be held on the third Tuesday in
43 April the question whether or not said proposal shall be approved
44 briefly describing the contents of said resolution and stating the
45 date of its adoption and they may submit also at such special
46 election as part of such proposal any other provision which may be
47 submitted at such a special election under the provisions of this

1 chapter], but no such special election shall be held on any day
2 before April 15 or after December 1 of any calendar year].

3 (cf: N.J.S.18A:13-43)

4

5 9. N.J.S.18A:13-46 is amended to read as follows:

6 18A:13-46. **[The]** Except as otherwise provided in section 3 of
7 P.L. , c. (C.) (pending before the Legislature as this bill), the
8 executive county superintendent of the county in which any new
9 constituent district of an enlarged regional district shall be situate
10 shall, not later than 30 days after the election for the enlargement
11 thereof, appoint one member of the enlarged board of education of
12 the regional district from among the qualified citizens of each such
13 new constituent district and the members so appointed shall serve
14 until the first Monday succeeding the first annual April school
15 election of the enlarged regional district and their successors shall
16 be elected at said election. In the case of a regional district in which
17 the annual school election is in November, the members so
18 appointed shall serve until the first week in January next succeeding
19 the first annual November school election of the enlarged regional
20 district and their successors shall be elected at that election. If by
21 reason of the enlargement of the district it becomes necessary to
22 reapportion the membership of the enlarged board of education the
23 executive county superintendent or superintendents of the county or
24 counties in which the constituent local districts of the enlarged
25 district are situate shall reapportion the membership of the enlarged
26 board of education in accordance with the provisions of sections
27 18A:13-8 and 18A:13-36, and at the same time shall designate the
28 number of members to be elected from each constituent school
29 district at the succeeding annual school election to be held therein
30 upon the expiration of the terms of office of the members of the
31 regional board then in office, in such manner that the representation
32 of the constituent districts shall be established in accordance with
33 such reapportionment at the earliest possible time but the members
34 then in office shall continue in office for the terms for which they
35 were elected or appointed notwithstanding such reapportionment.

36 (cf: P.L.2011, c.202, s.16)

37

38 10. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 Under current law, most boards of education of regional school
44 districts consist of nine members, with at least one from each
45 constituent district. The remaining seats are allocated to constituent
46 districts on the basis of population. This bill would maintain the
47 size of the regional school district board of education, but permit a
48 newly created regional school district or a regional school district

1 that will enlarge by adding one or more constituent districts, to
2 determine, with the approval of the Commissioner of Education, an
3 alternative apportionment method for its board. The boards of
4 education proposing to create or enlarge a regional district would,
5 by resolution, adopt a proposal to apportion the membership of the
6 new board using an alternative apportionment method and if the
7 commissioner approves the alternative apportionment, that
8 apportionment method would be used in the statutorily required
9 study conducted to determine whether it is advisable to create or
10 enlarge the regional school district. If after the study the
11 commissioner determines that it is advisable to create or enlarge a
12 regional school district, and the voters approve the proposal to
13 create or enlarge the regional district, then the board of the newly
14 created or enlarged district will be elected in accordance with the
15 alternative apportionment method.

16 In the case of an enlarged regional school district which
17 establishes an alternative apportionment method for its board, the
18 executive county superintendent will, no later than 30 days after the
19 election for the enlargement, appoint one member of the enlarged
20 board from among the qualified citizens of each new constituent
21 district. All the members of the board of the enlarged regional
22 district will be elected at the next annual school election following
23 the election held to approve the enlargement of the regional district.
24 The members appointed by the executive county superintendent will
25 serve only until the organization meeting at which all the new
26 elected members of the board of the enlarged regional district begin
27 their terms.

28 The alternative apportionment method established pursuant to
29 the provisions of the bill would continue in effect until the official
30 promulgation of the next federal census. At that time the
31 Commissioner of Education will consult with the constituent
32 districts of the regional district to determine whether or not to
33 reapportion the membership of the regional district. The bill
34 provides that all members of the board will continue in office for
35 the terms for which they were elected or appointed notwithstanding
36 any reapportionment ordered by the commissioner. If a constituent
37 district receives increased representation as a result of the
38 reapportionment ordered by the commissioner, the additional
39 members will be elected at the next annual school election of the
40 regional district.

41 The bill also would permit a special election on the enlargement
42 of a regional school district to be held on any of the special election
43 dates set forth in section 2 of P.L.1995, c.278 (C.19:60-2) – the
44 fourth Tuesday in January, the second Tuesday in March, the last
45 Tuesday in September, or the second Tuesday in December. Under
46 current law, a special election for this purpose may only be held on
47 the September date. In addition to all the special election dates, the
48 election for enlargement of a regional district will also be permitted

S792 SARLO

10

1 on the third Tuesday in April, which is the date of the annual school
2 election for those districts which have not chosen to move their
3 annual school election date to November.

4 The bill also includes technical amendments to N.J.S.18A:13-39
5 and N.J.S.18A:13-41 to reflect a change in the law in 2014.
6 Pursuant to P.L.2013, c.172, an election to determine whether or not
7 to form a newly created regional school district may occur, in
8 addition to the date of the special election held on the last Tuesday
9 in September, on the date of the general election.