

# ASSEMBLY, No. 2300

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

**Sponsored by:**

**Assemblywoman SHAVONDA E. SUMTER  
District 35 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Timberlake**

**SYNOPSIS**

Requires apportionment of membership on certain regional district boards of education to be based on amount of district costs apportioned to each constituent municipality.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/2/2021)**

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1 AN ACT concerning regional school districts, amending  
2 N.J.S.18A:13-8 and N.J.S.18A:13-9, 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. N.J.S.18A:13-8 is amended to read as follows:

9 18A:13-8. The board of education of a regional district shall  
10 consist of nine members unless it consists of more than nine  
11 constituent districts, in which case the membership shall be the  
12 same as the number of constituent districts, plus one. Except as  
13 otherwise provided pursuant to section 1 or section 3 of  
14 P.L.2017, c.45 (C.18A:13-34a or C.18A:13-46.1) or section 3 of  
15 P.L. , c. (C. ) (pending before the Legislature as this bill), if  
16 there are nine or less constituent districts, the members of the board  
17 of education of the regional district shall be apportioned by the  
18 executive county superintendent or executive county  
19 superintendents of the county or counties in which the constituent  
20 districts are situate, among said districts as nearly as may be  
21 according to the number of their inhabitants except that each  
22 constituent district shall have at least one member.

23 In making the apportionment of the membership of a regional  
24 board of education among the several school districts uniting to  
25 create a regional school district having nine or less constituent  
26 districts, as required by section 18A:13-36, there shall be subtracted  
27 from the number of inhabitants of a constituent school district, as  
28 shown by the last federal census officially promulgated in this  
29 State, the number of such inhabitants who according to the records  
30 of the Federal Bureau of the Census were patients in, or inmates of,  
31 any State or federal hospital or prison, or who are military  
32 personnel stationed at, or civilians residing within the limits of, any  
33 United States Army, Navy or Air Force installation, located in such  
34 constituent school district.

35 Except as otherwise provided pursuant to section 1 or section 3  
36 of P.L.2017, c.45 (C.18A:13-34a or C.18A:13-46.1), if there are  
37 more than nine constituent districts, the members on the board shall  
38 be apportioned among the constituent districts and the weight of  
39 their votes in all proceedings of the board shall be determined by  
40 the appropriate executive county superintendent or superintendents  
41 through the following procedure:

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

45 b. A representative ratio shall be calculated by adding the  
46 number of inhabitants of all constituent districts and dividing the  
47 sum by the board size.

**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.**

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1 c. All constituent districts shall be listed in ascending order of  
2 their number of inhabitants. If the first constituent district in said  
3 list has a number of inhabitants which is less than the representative  
4 ratio, it shall be combined with the constituent district contiguous to  
5 it having the smallest number of inhabitants. This process shall be  
6 repeated for each successively larger constituent district or  
7 combination of constituent districts until all remaining constituent  
8 districts or combinations of constituent districts shall have a number  
9 of inhabitants equal to, or exceeding the representative ratio. The  
10 districts formed in this manner shall be known as representative  
11 districts.

12 d. There shall be established a priority list according to the  
13 method of equal proportions for the apportionment of the members  
14 of the regional district board of education among the representative  
15 districts.

16 e. The members of the regional district board of education shall  
17 be apportioned among the representative districts according to the  
18 method of equal proportions, and where a representative district is  
19 composed of more than one constituent district, members shall be  
20 elected at large from within the representative district.

21 f. The number of inhabitants of each representative district  
22 shall be divided by the number of members assigned to that district  
23 to find the number of inhabitants per member.

24 g. The vote to be cast by each member of the regional district  
25 board of education in all proceedings of the board shall be  
26 determined by dividing the number of inhabitants per member in the  
27 representative district from which the member is elected by the  
28 representative ratio for the regional district, and rounding off the  
29 quotient to the nearest tenth of a full vote.

30 Wherever any statute or bylaw of the board requires decision in  
31 any matter by vote of a majority of the board members, or of the  
32 members present, this shall be interpreted as meaning a majority of  
33 the weighted votes of all members, or of the members present, as  
34 the case may be.

35 h. Whenever the above reapportionment procedure is used for a  
36 regional district having more than nine constituent districts, the  
37 terms of office of all incumbent board of education members shall  
38 terminate on the day on which the annual organization meeting of  
39 the board is held pursuant to N.J.S.18A:13-12 following  
40 certification by the executive county superintendent of the  
41 representative districts and the number of members to be elected  
42 from each; provided, that if the reapportionment results in any  
43 representative district retaining its former boundaries and the same  
44 number of board members, that the members elected from such a  
45 district shall serve the full term for which they were elected. All  
46 other board members shall be elected in an election to be held on  
47 the date of the annual school election at least 60 days following  
48 certification by the executive county superintendent for initial terms

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1 of office to be designated in advance by the executive county  
2 superintendent so that, as nearly as possible, one-third of the board  
3 shall be elected in each future year, to serve for three-year terms,  
4 and where a representative district has more than one member, their  
5 terms of office shall terminate in different years.

6 If any constituent district is a consolidated district, or a district  
7 composed of two or more municipalities, and

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

12 b. The regional district is an all purpose district, the  
13 membership of the regional board of education from such district  
14 shall be apportioned, and from time to time reapportioned, and the  
15 members from the district shall be elected, as their respective terms  
16 expire, in the same manner as though each of the municipalities  
17 making up such constituent district were constituent districts of the  
18 regional district.

19 (cf: P.L.2017, c.45, s.4)

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

22 18A:13-9. Each apportionment shall continue in effect unless  
23 and until a reapportionment shall become necessary by reason of the  
24 official promulgation of the next Federal census **[or]**, the  
25 enlargement of the regional district by the admission of one or more  
26 local districts, or a modification of the apportionment of costs  
27 among the constituent districts set by the Commissioner of  
28 Education pursuant to section 3 of P.L. , c. (C. ) (pending before  
29 the Legislature as this bill) and not pursuant to voter approval under  
30 N.J.S.18A:13-23. In any such case, immediately after the official  
31 promulgation of said census **[or]**, the certification of a favorable  
32 result of the election for enlargement of the regional district, or  
33 upon the petition by a constituent district after the modification of  
34 the apportionment of costs by the commissioner pursuant to section  
35 3 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
36 the county superintendent or county superintendents of the county  
37 or counties in which the constituent districts are situate shall  
38 reapportion the members accordingly but all members shall  
39 continue in office for the terms for which they were elected or  
40 appointed notwithstanding any reapportionment. If any constituent  
41 district shall become entitled to increased representation on the  
42 board the additional members shall be elected at the next annual  
43 school election of the regional district. If, as a result of such  
44 reapportionment, a disproportionate number of the total  
45 representatives of any one constituent district to a regional board  
46 are to be elected at a single annual school election, the  
47 commissioner shall have the power, on petition of a constituent  
48 district board of education, to alter the term of any member

1 representing such constituent district by not more than 1 year, so as  
2 to temporarily apportion, as equally as possible over any given 3-  
3 year period, the election of the members representing such  
4 constituent district.

5 (cf: P.L.1977, c. 327, s.1)

6  
7 3. (New section) In a regional district in which the  
8 apportionment of costs among the constituent districts is set by the  
9 Commissioner of Education and not pursuant to voter approval  
10 under N.J.S.18A:13-23, the members of the board of education of  
11 the regional district shall be apportioned by the executive county  
12 superintendent or the executive county superintendents of the  
13 county or counties in which the constituent districts are situate  
14 among the districts as nearly as may be according to their  
15 proportionate share of the amounts to be raised for annual or special  
16 appropriations for the regional district, including the amounts to be  
17 raised for interest upon, and the redemption of, bonds payable by  
18 the regional district, except that each constituent district shall have  
19 at least one member.

20

21 4. This act shall take effect immediately.

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#### STATEMENT

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26 This bill concerns the membership of the board of education of a  
27 regional school district in which a reapportionment of costs among  
28 the constituent municipalities has been determined by the  
29 Commissioner of Education, not the voters of the district. Under  
30 these circumstances, the regional district will apportion the  
31 membership of its board of education based on how the costs of the  
32 regional district are apportioned among the constituent  
33 municipalities, except that each constituent municipality would  
34 have at least one member on the board.

35 Currently, the allocation of seats on a regional district's board of  
36 education is based on the population in each of the constituent  
37 municipalities in relation to the total population of all the  
38 constituent municipalities making up the regional district, except  
39 that each constituent municipality has at least one member on the  
40 board.