

[First Reprint]

ASSEMBLY, No. 2300

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

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District 35 (Bergen and Passaic)

Senator NELLIE POU

District 35 (Bergen and Passaic)

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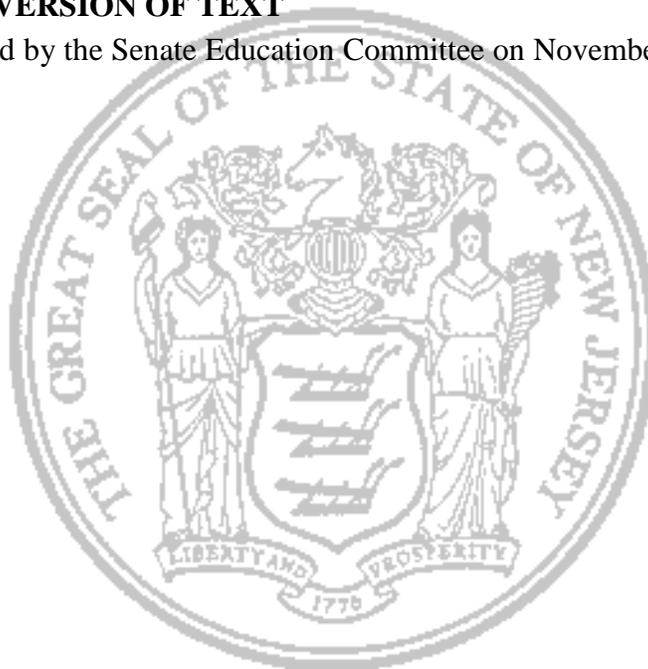
Assemblywoman Timberlake

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 reported by the Senate Education Committee on November 8, 2021, with amendments.



(Sponsorship Updated As Of: 12/20/2021)

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**[**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.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted November 8, 2021.

- 1 b. A representative ratio shall be calculated by adding the
2 number of inhabitants of all constituent districts and dividing the
3 sum by the board size.
- 4 c. All constituent districts shall be listed in ascending order of
5 their number of inhabitants. If the first constituent district in said
6 list has a number of inhabitants which is less than the representative
7 ratio, it shall be combined with the constituent district contiguous to
8 it having the smallest number of inhabitants. This process shall be
9 repeated for each successively larger constituent district or
10 combination of constituent districts until all remaining constituent
11 districts or combinations of constituent districts shall have a number
12 of inhabitants equal to, or exceeding the representative ratio. The
13 districts formed in this manner shall be known as representative
14 districts.
- 15 d. There shall be established a priority list according to the
16 method of equal proportions for the apportionment of the members
17 of the regional district board of education among the representative
18 districts.
- 19 e. The members of the regional district board of education shall
20 be apportioned among the representative districts according to the
21 method of equal proportions, and where a representative district is
22 composed of more than one constituent district, members shall be
23 elected at large from within the representative district.
- 24 f. The number of inhabitants of each representative district
25 shall be divided by the number of members assigned to that district
26 to find the number of inhabitants per member.
- 27 g. The vote to be cast by each member of the regional district
28 board of education in all proceedings of the board shall be
29 determined by dividing the number of inhabitants per member in the
30 representative district from which the member is elected by the
31 representative ratio for the regional district, and rounding off the
32 quotient to the nearest tenth of a full vote.
- 33 Wherever any statute or bylaw of the board requires decision in
34 any matter by vote of a majority of the board members, or of the
35 members present, this shall be interpreted as meaning a majority of
36 the weighted votes of all members, or of the members present, as
37 the case may be.
- 38 h. Whenever the above reapportionment procedure is used for a
39 regional district having more than nine constituent districts, the
40 terms of office of all incumbent board of education members shall
41 terminate on the day on which the annual organization meeting of
42 the board is held pursuant to N.J.S.18A:13-12 following
43 certification by the executive county superintendent of the
44 representative districts and the number of members to be elected
45 from each; provided, that if the reapportionment results in any
46 representative district retaining its former boundaries and the same
47 number of board members, that the members elected from such a

1 district shall serve the full term for which they were elected. All
2 other board members shall be elected in an election to be held on
3 the date of the annual school election at least 60 days following
4 certification by the executive county superintendent for initial terms
5 of office to be designated in advance by the executive county
6 superintendent so that, as nearly as possible, one-third of the board
7 shall be elected in each future year, to serve for three-year terms,
8 and where a representative district has more than one member, their
9 terms of office shall terminate in different years.

10 If any constituent district is a consolidated district, or a district
11 composed of two or more municipalities, and

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

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

23 (cf: P.L.2017, c.45, s.4)]¹

24

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

26 18A:13-8. The board of education of a regional district shall
27 consist of nine members unless it consists of more than nine
28 constituent districts, in which case the membership shall be the
29 same as the number of constituent districts, plus one. Except as
30 otherwise provided pursuant to section 1 or section 3 of P.L.2017,
31 c.45 (C.18A:13-34a or C.18A:13-46.1) or section 3 of P.L. _____, c.
32 (C. _____) (pending before the Legislature as this bill), if there are
33 nine or less constituent districts, the members of the board of
34 education of the regional district shall be apportioned by the
35 executive county superintendent or executive county
36 superintendents of the county or counties in which the constituent
37 districts are situate, among said districts as nearly as may be
38 according to the number of their inhabitants except that each
39 constituent district shall have at least one member.

40 In making the apportionment of the membership of a regional
41 board of education among the several school districts uniting to
42 create a regional school district having nine or less constituent
43 districts, as required by section 18A:13-36, there shall be subtracted
44 from the number of inhabitants of a constituent school district, as
45 shown by the last federal census officially promulgated in this State
46 as reported by the Secretary of State pursuant to section 1 of
47 P.L.2021, c.198 (C.52:4-1.6), the number of such inhabitants who

1 according to the records of the Federal Bureau of the Census were
2 patients in any State or federal hospital, or who are military
3 personnel stationed at, or civilians residing within the limits of, any
4 United States Army, Navy or Air Force installation, located in such
5 constituent school district.

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

13 a. The number of inhabitants of each constituent district shall
14 be determined as shown by the last federal census officially
15 promulgated in this State as reported by the Secretary of State
16 pursuant to section 1 of P.L.2021, c.198 (C.52:4-1.6).

17 b. A representative ratio shall be calculated by adding the
18 number of inhabitants of all constituent districts and dividing the
19 sum by the board size.

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

31 d. There shall be established a priority list according to the
32 method of equal proportions for the apportionment of the members
33 of the regional district board of education among the representative
34 districts.

35 e. The members of the regional district board of education shall
36 be apportioned among the representative districts according to the
37 method of equal proportions, and where a representative district is
38 composed of more than one constituent district, members shall be
39 elected at large from within the representative district.

40 f. The number of inhabitants of each representative district
41 shall be divided by the number of members assigned to that district
42 to find the number of inhabitants per member.

43 g. The vote to be cast by each member of the regional district
44 board of education in all proceedings of the board shall be
45 determined by dividing the number of inhabitants per member in the
46 representative district from which the member is elected by the

1 representative ratio for the regional district, and rounding off the
2 quotient to the nearest tenth of a full vote.

3 Wherever any statute or bylaw of the board requires decision in
4 any matter by vote of a majority of the board members, or of the
5 members present, this shall be interpreted as meaning a majority of
6 the weighted votes of all members, or of the members present, as
7 the case may be.

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

27 If any constituent district is a consolidated district, or a district
28 composed of two or more municipalities, and

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

33 b. The regional district is an all purpose district, the
34 membership of the regional board of education from such district
35 shall be apportioned, and from time to time reapportioned, and the
36 members from the district shall be elected, as their respective terms
37 expire, in the same manner as though each of the municipalities
38 making up such constituent district were constituent districts of the
39 regional district.¹

40 (cf: P.L.2021, c.198, s.2)

41

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

43 18A:13-9. Each apportionment shall continue in effect unless
44 and until a reapportionment shall become necessary by reason of the
45 official promulgation of the next Federal census **[or]**, the
46 enlargement of the regional district by the admission of one or more
47 local districts, or a modification of the apportionment of costs

1 among the constituent districts set by the Commissioner of
2 Education pursuant to section 3 of P.L. , c. (C.) (pending before
3 the Legislature as this bill) and not pursuant to voter approval under
4 N.J.S.18A:13-23. In any such case, immediately after the official
5 promulgation of said census [or], the certification of a favorable
6 result of the election for enlargement of the regional district, or
7 upon the petition by a constituent district after the modification of
8 the apportionment of costs by the commissioner pursuant to section
9 3 of P.L. , c. (C.) (pending before the Legislature as this bill),
10 the county superintendent or county superintendents of the county
11 or counties in which the constituent districts are situate shall
12 reapportion the members accordingly but all members shall
13 continue in office for the terms for which they were elected or
14 appointed notwithstanding any reapportionment. If any constituent
15 district shall become entitled to increased representation on the
16 board the additional members shall be elected at the next annual
17 school election of the regional district. If, as a result of such
18 reapportionment, a disproportionate number of the total
19 representatives of any one constituent district to a regional board
20 are to be elected at a single annual school election, the
21 commissioner shall have the power, on petition of a constituent
22 district board of education, to alter the term of any member
23 representing such constituent district by not more than 1 year, so as
24 to temporarily apportion, as equally as possible over any given 3-
25 year period, the election of the members representing such
26 constituent district.

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

28

29 3. (New section) In a regional district in which the
30 apportionment of costs among the constituent districts is set by the
31 Commissioner of Education and not pursuant to voter approval
32 under N.J.S.18A:13-23, the members of the board of education of
33 the regional district shall be apportioned by the executive county
34 superintendent or the executive county superintendents of the
35 county or counties in which the constituent districts are situate
36 among the districts as nearly as may be according to their
37 proportionate share of the amounts to be raised for annual or special
38 appropriations for the regional district, including the amounts to be
39 raised for interest upon, and the redemption of, bonds payable by
40 the regional district, except that each constituent district shall have
41 at least one member.

42

43 4. This act shall take effect immediately.