

ASSEMBLY, No. 4055

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Space

SYNOPSIS

Provides certain sending school districts one nonvoting advisory representative on receiving school district board of education.

CURRENT VERSION OF TEXT

As introduced.



A4055 WIRTHS

2

1 AN ACT concerning boards of education of school districts involved
2 in sending-receiving relationships and amending and
3 supplementing P.L.1995, c.8.

4

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

7

8 1. Section 2 of P.L.1995, c.8 (C.18A:38-8.2) is amended to
9 read as follows:

10 2. A school district which is sending pupils to another school
11 district pursuant to N.J.S.18A:38-8 shall have representation on the
12 board of education of the receiving school district as follows:

13 a. (1) **【**If the pupils of the sending district comprise less than
14 10 percent of the total enrollment of the pupils in the grades of the
15 receiving district in which the pupils of the sending district will be
16 enrolled, the sending district shall have no representation on the
17 receiving district board of education.**】** (Deleted by amendment,
18 P.L. , c.) (pending before the Legislature as this bill)

19 (2) If the pupils of the sending district comprise at least 10
20 percent of the total enrollment of the pupils in the grades of the
21 receiving district in which the pupils of the sending district will be
22 enrolled, the sending district shall have one representative on the
23 receiving district board of education.

24 b. If the total number of pupils of two or more sending
25 districts, which do not qualify for representation under subsection a.
26 of this section, comprise at least 15 percent of the total enrollment
27 of the pupils in the grades of the receiving district in which the
28 pupils of the sending districts will be enrolled, they shall have
29 collectively two representatives on the receiving district board of
30 education. The annual designation of the representatives, in the
31 event more than two districts collectively qualify under this
32 subsection, shall be rotated among the boards of education of the
33 sending districts according to a schedule determined by the joint
34 agreement of the boards.

35 c. Notwithstanding the provisions of subsections a. and b. of
36 this section, the number of representatives designated by the
37 sending districts to be additional members pursuant to this section
38 shall not exceed three additional members on a receiving board with
39 originally nine or more members, two additional members on a
40 receiving board with originally seven or eight members, and one
41 additional member on a receiving board with originally less than
42 seven members. In the event that this restriction results in an
43 unequal representation of sending districts, the annual designation
44 of the representative or representatives shall be rotated among the

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 boards of education of the sending districts according to a schedule
2 determined by the joint agreement of the boards.

3 d. A representative of a sending district board of education
4 shall be designated at the meeting of the board which is closest in
5 time to the annual organizational meeting of the receiving district
6 board of education and shall serve a one-year term beginning with
7 the organizational meeting of the receiving district board. The
8 representative shall be subject to the rules and procedures of the
9 receiving district board of education.

10 e. The calculation of percentages required under this section
11 shall be based on the number of pupils reported as of the last school
12 day prior to October 16 of each prebudget year.
13 (cf: P.L.1996, c.138, s.65)

14

15 2. Section 3 of P.L.1995, c.8 (C.18A:38-8.3) is amended to
16 read as follows:

17 3. The provisions of **[this act]** P.L.1995, c.8 (C.18A:38-8.1 et
18 seq.) and P.L. , c. (C.) (pending before the Legislature as this
19 bill) shall not apply to sending and receiving relationships which
20 are established exclusively for the purposes of special education.
21 (cf: P.L.1995, c.8, s.3)

22

23 3. (New section) a. In addition to the members of the board of
24 education of a Type I and Type II school district provided by law,
25 in a school district which is receiving pupils from another district or
26 districts pursuant to N.J.S.18A:38-8, there shall be additional
27 members to represent the board of education of each sending
28 district, except a sending district which has designated a board of
29 education member of that district as an additional member of the
30 receiving district's board of education pursuant to section 2 of
31 P.L.1995, c.8 (C.18A:38-8.2) or section 1 of P.L.1999, c.414
32 (C.18A:38-8.4). The representative shall be a member of the board
33 of education of the sending district designated annually by the
34 board of that district. The representative shall be a nonvoting
35 member of the receiving district board of education and serve on the
36 board of that district in an advisory role.

37 b. The representative of the sending district board of education
38 shall be designated at the meeting of the board of that district which
39 is closest in time to the annual organizational meeting of the
40 receiving district board of education and shall serve a one-year term
41 beginning with the organizational meeting of the receiving district
42 board of education. The representative shall be subject to the rules
43 and procedures of the receiving district board of education.

44

45 4. This act shall take effect immediately.

STATEMENT

This bill provides for the appointment of one additional member to the board of education of a receiving district from the board of education of each school district which is sending students to the receiving district. The additional member will be a member of the board of education of the sending district who will be designated annually by that board. The representatives of the sending district will be a nonvoting member of the receiving district board of education and will serve on the board of the receiving district in an advisory role.

The bill provides that the representative of the sending district board of education will be designated at the meeting of the sending district's board which is closest in time to the annual organizational meeting of the receiving district board of education and will serve a one-year term beginning with the organizational meeting of the receiving district board.

The bill stipulates that any sending district which has designated one of its members to sit on the receiving district's board of education pursuant to section 2 of P.L.1995, c.8 (C.18A:38-8.2) or section 1 of P.L.1999, c.414 (C.18A:38-8.4), will not be provided representation on the receiving district board of education pursuant to the provisions of the bill. These sections of law provide representation on the board of education of the receiving district to certain sending districts whose students make up a specific percentage of the total enrollment of the students in the grades of the receiving district in which the students of the sending district will be enrolled. A representative of a sending district who serves on the receiving district board of education pursuant to these sections of law is eligible to vote on certain specified matters, for example, the tuition to be charged the sending district, and any matter directly involving the sending district students or programs and services utilized by these students.