

SENATE, No. 3129

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

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.



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.

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

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.

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21 4. This act shall take effect immediately.

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24 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.