

[First Reprint]

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



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
48 district shall serve the full term for which they were elected. All

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

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

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

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

22 (cf: P.L.2017, c.45, s.4) ¹

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

25 18A:13-8. The board of education of a regional district shall
26 consist of nine members unless it consists of more than nine
27 constituent districts, in which case the membership shall be the
28 same as the number of constituent districts, plus one. Except as
29 otherwise provided pursuant to section 1 or section 3 of P.L.2017,
30 c.45 (C.18A:13-34a or C.18A:13-46.1) or section 3 of P.L. , c.
31 (C.) (pending before the Legislature as this bill), if there are
32 nine or less constituent districts, the members of the board of
33 education of the regional district shall be apportioned by the
34 executive county superintendent or executive county
35 superintendents of the county or counties in which the constituent
36 districts are situate, among said districts as nearly as may be
37 according to the number of their inhabitants except that each
38 constituent district shall have at least one member.

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

1 personnel stationed at, or civilians residing within the limits of, any
2 United States Army, Navy or Air Force installation, located in such
3 constituent school district.

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

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

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

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

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

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

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

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

47 Wherever any statute or bylaw of the board requires decision in
48 any matter by vote of a majority of the board members, or of the

1 members present, this shall be interpreted as meaning a majority of
2 the weighted votes of all members, or of the members present, as
3 the case may be.

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

23 If any constituent district is a consolidated district, or a district
24 composed of two or more municipalities, and

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

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

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

37

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

39 18A:13-9. Each apportionment shall continue in effect unless
40 and until a reapportionment shall become necessary by reason of the
41 official promulgation of the next Federal census **【or】**, the
42 enlargement of the regional district by the admission of one or more
43 local districts, or a modification of the apportionment of costs
44 among the constituent districts set by the Commissioner of
45 Education pursuant to section 3 of P.L. , c. (C.) (pending before
46 the Legislature as this bill) and not pursuant to voter approval under
47 N.J.S.18A:13-23. In any such case, immediately after the official
48 promulgation of said census **【or】**, the certification of a favorable

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

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

23

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

37

38 4. This act shall take effect immediately.