

SENATE, No. 4060

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 8, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Modifies certain eligibility requirements under grant program for cost reimbursement of conducting regionalization feasibility studies and updates grant program reporting requirements; repeals law that permits withdrawal from certain regional school districts.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning school district regionalization, and amending
2 and repealing various sections of P.L.2021, c. (C.)
3 (pending before the Legislature as Senate Bill No. 3488 (2R) of
4 2021).

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

8
9 1. Section 3 of P.L.2021, c (C.) (pending before the
10 Legislature as Senate Bill No. 3488 (2R) of 2021) is amended to
11 read as follows:

12 3. a. The boards of education or governing bodies of two or
13 more school districts seeking to form a limited purpose or all
14 purpose regional district and that wish to apply for funding under
15 the grant program established pursuant to section 2 of P.L.2021, c.
16 (C.) (pending before the Legislature as Senate Bill No. 3488
17 (2R) of 2021) shall jointly submit an application to the division.
18 The application shall identify and designate at least one project
19 coordinator from one or more participating districts who shall be
20 responsible for overseeing the activities associated with conducting
21 the feasibility study proposed under the application and for
22 fulfilling any requirements prescribed by the division in the receipt
23 of a grant under the program. The application shall also include:

24 (1) copies of the resolutions adopted by all participating boards
25 of education or governing bodies, as applicable, certifying a
26 commitment to participate in a feasibility study. An application
27 may propose a feasibility study that would include an analysis of
28 the inclusion of non-participating districts in a proposed regional
29 district, in which case the application shall state that the feasibility
30 study will present findings and recommendations related both to the
31 consolidation of participating districts into a regional district and
32 alternative findings and recommendations contingent upon the
33 inclusion of the non-participating districts;

34 (2) a detailed narrative describing the proposed regionalization
35 plan or plans to be studied, as well as potential areas for educational
36 and fiscal improvement. The feasibility study shall include, but
37 need not be limited to, options to address issues related to:

38 (a) facility utilization;

39 (b) cost sharing and methods of apportionment, including but
40 not limited to, equalized valuation, pupil enrollment, or a
41 combination of the two as well as whether such apportionment
42 should take effect immediately or on a phase-in or transitional basis
43 over a certain number of years;

44 (c) the allocation of existing school debt and proceeds from the
45 sale of unutilized or underutilized facilities;

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 (d) projected enrollment trends, including the impact on the
2 demographic breakdown of the student population, including race,
3 ethnicity, and national origin, and projected changes in class size;
- 4 (e) current and projected staffing needs and costs, including
5 retirement and attrition trends for instructional, administrative, and
6 support staff;
- 7 (f) an analysis of the differences in the salaries and terms and
8 conditions of employment in elementary, middle, and high school
9 teachers', administrators', and support staffs' contracts among the
10 various districts and the distribution of all compensation among
11 covered employees, including the potential impact of expired
12 contracts moving forward, which analysis shall be developed by
13 school districts and the majority representatives of all recognized
14 bargaining units;
- 15 (g) State aid and tax revenue projections;
- 16 (h) potential cost savings or increases from regionalization;
- 17 (i) student seat time and distance traveled, as well as potential
18 increased or reduced transportation costs;
- 19 (j) kindergarten through 12 curriculum coordination
20 improvements;
- 21 (k) potential enrichment of educational programs for students;
22 and
- 23 (l) calculation and methods of apportionment for determining
24 membership on the regional district board of education among the
25 constituent districts;
- 26 (3) a description of the intended use of grant funding in
27 supporting the costs associated with conducting the feasibility
28 study;
- 29 (4) a demonstration of the boards' or governing bodies'
30 capacities to oversee the proposed feasibility study;
- 31 (5) a list of personnel or outside consultants who would be
32 conducting the feasibility study, which consultants shall be selected
33 in accordance with applicable State law;
- 34 (6) a plan to incorporate public and stakeholder participation
35 and ideas in the regionalization study process, which shall include
36 school board members, parents, teachers, administrators, non-
37 instructional staff, union representatives, municipal officials, and
38 interested citizens; and
- 39 (7) any other materials or information as may be required by the
40 division to effectively evaluate the proposed feasibility study and
41 assess the costs associated with conducting the feasibility study.
- 42 b. In order to be eligible to receive a grant under the grant
43 program established pursuant to section 2 of P.L.2021, c. (C.)
44 (pending before the Legislature as Senate Bill No. 3488 (2R) of
45 2021), the boards of education or governing bodies shall
46 demonstrate that the proposed regionalization:
- 47 (1) does not, and is not foreseeably likely to, increase or
48 exacerbate the segregation of students by racial, socioeconomic,

1 disability, or English Language Learner status as determined by the
2 number and percentage of students enrolled in the school districts
3 seeking to consolidate **【or, as applicable, in the school districts**
4 **from which a school district is seeking to withdraw】**;

5 (2) to the maximum extent practicable, will lead to the
6 establishment of a limited purpose or all purpose regional district;

7 (3) consolidates school districts that are in close geographic
8 proximity of each other. School districts need not be immediately
9 contiguous as long as any geographic separation is not so large as to
10 contradict the potential for improved efficiency and cost savings;

11 (4) possesses the potential for improved efficiency and cost
12 savings;

13 (5) possesses the potential to advance an enhanced learning
14 environment for participating districts;

15 (6) coordinates curriculum across schools and grades throughout
16 the proposed limited purpose or all purpose regional school; and

17 (7) reflects a documented commitment from the participating
18 districts to make good faith efforts to implement the
19 recommendations of the feasibility study that promote efficiency
20 and quality of education.

21 c. The Commissioner of Education shall review every
22 application submitted pursuant to this section, except for an
23 application eligible for preliminary approval pursuant to subsection
24 b. of section 4 of P.L.2021, c. (C.) (pending before the
25 Legislature as Senate Bill No. 3488 (2R) of 2021), and shall certify,
26 in writing, that the newly formed or enlarged regional district will
27 not, and will not be foreseeably likely to, increase or exacerbate
28 segregation among the districts seeking to regionalize **【or, as**
29 **applicable, the school districts from which a school district is**
30 **seeking to withdraw】** and school districts in the surrounding region
31 as determined by the number and percentage of students affected by
32 such consolidations **【or withdrawals】**.

33 (cf: P.L.2021, c. , s.3)

34
35 2. Section 8 of P.L.2021, c. (C.) (pending before the
36 Legislature as Senate Bill No. 3488 (2R) of 2021) is amended to
37 read as follows:

38 8. The Division of Local Government Services in the
39 Department of Community Affairs, in consultation with the
40 Department of Education, shall submit a report on the
41 implementation of the grant program established pursuant to section
42 2 of P.L.2021, c. (C.) (pending before the Legislature as
43 Senate Bill No. 3488 (2R) of 2021) to the Governor, and to the
44 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
45 within one year following the date of enactment of P.L.2021,
46 c. (C.) (pending before the Legislature as Senate Bill No.

1 3488 (2R) of 2021) and annually thereafter. The report shall
2 include, but not be limited to:

3 a. an analysis of the grant program identifying:

4 (1) the boards of education or governing bodies that applied for
5 a grant;

6 (2) the boards of education or governing bodies that were
7 awarded a grant;

8 (3) the amount of each grant awarded;

9 (4) the availability of any funds remaining under the grant
10 program;

11 (5) the reasoning behind the denial of any grant application;
12 and

13 (6) an analysis of the effects of consolidations [or withdrawals,
14 or both,] on the opportunities for students to attend schools that are
15 integrated by race, socioeconomic, disability, and English Language
16 Learner status;

17 b. a description of the experience of the boards of education or
18 governing bodies that applied and were approved for grant funding,
19 including the status and analysis of any feasibility studies
20 conducted with grant funding;

21 c. information on whether any grant recipients completed
22 regionalization;

23 d. an analysis of any legal, financial, educational, or other
24 factors that either facilitated or impeded the expansion or creation
25 of a regional district by participating districts including, but not
26 limited to, recommendations to existing State laws or regulations
27 that would remove impediments to regionalization; and

28 e. recommendations as to the feasibility and advisability of
29 expanding the grant program.

30 (cf: P.L.2021, c. , s.8)

31
32 3. Section 11 of P.L.2021, c. (C.) (pending before the
33 Legislature as Senate Bill No. 3488 (2R) of 2021) is repealed.

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35 4. This act shall take effect immediately.
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38 STATEMENT

39
40 This bill revises certain provisions of P.L.2021, c. (C.)
41 (pending before the Legislature as Senate Bill No. 3488 (2R) of
42 2021) to clarify that a grant shall not be provided to an applicant for
43 use in a feasibility study examining whether to withdraw a district
44 from a regional or consolidated school district for any purpose and
45 to remove the references to such withdrawals from the provisions of
46 P.L.2021, c. (C.) (pending before the Legislature as Senate
47 Bill No. 3488 (2R) of 2021).

1 Accordingly, the bill removes language referencing the school
2 districts from which a board of education or governing body is
3 seeking to withdraw as it pertains to the requirement that a board of
4 education or governing body seeking a grant for a feasibility study
5 pursuant to the provisions of P.L.2021, c. (C.) (pending
6 before the Legislature as Senate Bill No. 3488 (2R) of 2021)
7 include an examination as to whether the proposed regionalization
8 does, or is foreseeably likely to, increase or exacerbate segregation
9 of certain student populations in a school district seeking to
10 consolidate. Additionally, the bill removes language referencing
11 the school districts from which a board of education or governing
12 body is seeking to withdraw as it pertains to the requirement that
13 the Commissioner of Education review applications submitted for a
14 grant pursuant to the provisions of P.L.2021, c. (C.) (pending
15 before the Legislature as Senate Bill No. 3488 (2R) of 2021) and
16 certify, in writing, that the newly formed or enlarged regional
17 district does not, and is not foreseeably likely to, increase or
18 exacerbate segregation among the school districts seeking to
19 regionalize.

20 This bill makes changes to what is to be included in a report
21 submitted by the Division of Local Government Services in the
22 Department of Community Affairs, in consultation with the
23 Department of Education, to the Governor and Legislature on the
24 implementation of the grant program established pursuant to
25 P.L.2021, c. (C.) (pending before the Legislature as Senate
26 Bill No. 3488 (2R) of 2021) to remove reference to school districts
27 seeking to withdraw from regional school districts consistent with
28 the provisions contained in this bill.

29 This bill also repeals a section of law that provides a mechanism
30 by which certain boards of educations or governing bodies of school
31 districts can withdraw from a limited purpose or all purpose
32 regional district or consolidated school district in order to form or
33 enlarge a limited purpose or all purpose regional district without
34 obtaining the approval of all boards of educations or governing
35 bodies that form the regional district from which a board of
36 education or governing body is seeking to withdraw.

37 It is the sponsor's intent to clarify that a grant provided to a
38 board of education or governing body pursuant to the provisions of
39 P.L.2021, c. (C.) (pending before the Legislature as Senate
40 Bill No. 3488 (2R) of 2021) is not to be used for a feasibility study
41 to examine the termination of a sending-receiving relationship.

42 and updates grant program reporting requirements; repeals law that
43 permits withdrawal from certain regional school districts.