

SENATE, No. 1950

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED APRIL 28, 2014

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Establishes three regional superintendents of schools and eliminates the position of executive county superintendent of schools.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing regional superintendents of schools and
2 amending, supplementing and repealing parts of the statutory
3 law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. R.S.9:10-1 is amended to read as follows:

9 9:10-1. The board of chosen freeholders of a county having a
10 juvenile and domestic relations court may establish and equip a
11 school of detention for dependent and delinquent children under
12 sixteen years of age whom it may be necessary to detain by order
13 or direction of the County Court and for that purpose may purchase
14 suitable land and buildings or erect buildings on land owned by the
15 county, but the consent of the County Court shall be had before any
16 lands shall be purchased or buildings erected for such purpose.

17 The school of detention with the land belonging thereto shall
18 constitute a special school district in such county and the **county**
19 **superintendent of schools** Commissioner of Education shall
20 apportion and pay to the county treasurer, who shall be the
21 custodian of the school's moneys, such apportionment of State
22 school moneys and interest and surplus revenues as are paid to
23 other school districts.

24 The general management of the detention school when
25 completed shall be vested in a board of directors consisting of the
26 judge of the juvenile and domestic relations court, **the county**
27 **superintendent of schools** a designee of the Commissioner of
28 Education, two members of the board of chosen freeholders selected
29 by the director of such board and such director and the
30 superintendent of schools of the most populous city in the county.

31 (cf: P.L.1953, c.9, s.21)

32

33 2. N.J.S.11A:3-5 is amended to read as follows:

34 11A:3-5. The political subdivision unclassified service shall not
35 be subject to the provisions of this title unless otherwise specified
36 and shall include the following:

- 37 a. Elected officials;
38 b. One secretary and one confidential assistant to each mayor;
39 c. Members of boards and commissions authorized by law;
40 d. Heads of institutions;
41 e. Physicians, surgeons and dentists;
42 f. Attorneys of a county, municipality or school district
43 operating under this title;
44 g. Teaching staff, as defined in N.J.S.18A:1-1, in the public
45 schools and **county** regional superintendents and members and

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 business managers of boards of education;
- 2 h. Principal executive officers;
- 3 i. One secretary, clerk or executive director to each
4 department, board and commission authorized by law to make the
5 appointment;
- 6 j. One secretary or clerk to each county constitutional officer,
7 principal executive officer, and judge;
- 8 k. One deputy or first assistant to a principal executive officer
9 who is authorized by statute to act for and in place of the principal
10 executive officer;
- 11 l. No more than 12 county department heads and the heads of
12 divisions within such departments; provided that the total number of
13 unclassified positions created by the county administrative code
14 pursuant to this subsection shall not exceed 20;
- 15 m. One secretary or confidential assistant to each unclassified
16 department or division head established in subsection l.;
- 17 n. Employees of county park commissions, appointed pursuant
18 to R.S.40:37-96 through R.S.40:37-174, in counties of the second
19 class;
- 20 o. Directors of free public libraries in cities of the first class
21 having a population of more than 300,000;
- 22 p. One secretary to the municipal council in cities of the first
23 class having a population of less than 300,000;
- 24 q. One secretary and one confidential aide for each member of
25 the board of freeholders other than the director, and one secretary
26 and two confidential aides for the freeholder director, of any county
27 of the second class with a population of at least 470,000 which has
28 not adopted the provisions of the "Optional County Charter Law,"
29 P.L.1972, c.154 (C.40:41A-1 et seq.) and one secretary or
30 confidential aide for each member of the board of freeholders of
31 any other county which has not adopted the provisions of the
32 "Optional County Charter Law";
- 33 r. In school districts organized pursuant to N.J.S.18A:17-1 et
34 seq., the executive controller, public information officer and the
35 executive directors of board affairs, personnel, budget, purchasing,
36 physical facilities, data processing, financial affairs, and internal
37 audit;
- 38 s. The executive director, assistant executive director, director
39 of staff operations, director of administration, director of
40 redevelopment and the urban initiatives coordinator of a local
41 housing authority;
- 42 t. The sheriff's investigators of any county appointed pursuant
43 to section 2 of P.L.1987, c.113 (C.40A:9-117a);
- 44 u. Any title as provided by statute or as the Civil Service
45 Commission may determine in accordance with criteria established
46 by rule;
- 47 v. One confidential aide for each county clerk, in addition to
48 the titles included under subsection j. of this section; and

1 w. Two deputy municipal clerks in cities of the first class
2 having a population of not less than 240,000 persons or more than
3 250,000 persons according to the 2000 federal decennial census.
4 (cf: P.L.2008, c.29, s.24)

5

6 3. N.J.S.18A:1-1 is amended to read as follows:

7 18A:1-1. As used in this title, unless the context requires another
8 meaning, the following words and phrases shall have the following
9 meaning:

10 "Academic year" means the period between the time school
11 opens in any school district or under any board of education after
12 the general summer vacation until the next succeeding summer
13 vacation;

14 "All purpose regional district" shall have the meaning assigned
15 to it in subsection a. of section 18A:13-2;

16 "Board" means the board of education;

17 "Commissioner" means the Commissioner of Education;

18 **["County superintendent" means the County Superintendent of
19 Schools;]**

20 "Department" means the State Department of Education;

21 "District" means a school district;

22 "Employee" includes the holder of any position or employment;

23 "Employment" includes employment in a position;

24 "Full membership" of any board or body means the number of
25 members of the board or body when all the members' seats are filled
26 and a "majority of the full membership" of any board or body
27 means a majority of such number;

28 "Higher education" means that education which is provided by
29 any or all of the public institutions of higher education as herein
30 defined and any or all equivalent private institutions; "Limited
31 purpose regional district" shall have the meaning assigned to it in
32 subsection b. of section 18A:13-2;

33 "Local school district" means any school district comprising
34 within its territorial boundaries the territory comprised in one or
35 more municipalities, except a regional school district;

36 "Private school" means a school, under college grade, which
37 does not derive its support entirely or in part from public funds;

38 "Public institution of higher education" shall have the meaning
39 assigned to it in section 18A:62-1;

40 "Public school" means a school, under college grade, which
41 derives its support entirely or in part from public funds;

42 "Public school system" means the system of public schools of the
43 State;

44 "Regional superintendent" means the Regional Superintendent of
45 Schools;

46 "Residence" means domicile, unless a temporary residence is
47 indicated;

48 "School nurse" shall mean and include any school nurse, school

1 nurse supervisor, head school nurse, chief school nurse, school
2 nurse coordinator or any other nurse performing school nursing
3 services in the public schools;

4 "State board" means the State Board of Education;

5 "Teaching staff member" means a member of the professional
6 staff of any district or regional board of education, or any board of
7 education of a county vocational school, holding office, position or
8 employment of such character that the qualifications, for such
9 office, position or employment, require him to hold a valid and
10 effective standard, provisional or emergency certificate, appropriate
11 to his office, position or employment, issued by the State Board of
12 Examiners and includes a school nurse and a school athletic trainer.
13 (cf: P.L.1999, c.87, s.1)

14

15 4. N.J.S.18A:4-29 is amended to read as follows:

16 18A:4-29. The commissioner shall from time to time instruct the
17 **【county】 regional** superintendents and superintendents of schools
18 as to the performance of their duties, the conduct of the schools and
19 the construction and furnishing of schoolhouses, and he shall, with
20 the approval of the state board, hold meetings of the **【county】**
21 regional superintendents and superintendents of schools at least
22 once in each year for the discussion of school affairs and of ways
23 and means for promoting a thorough and efficient system of
24 education.

25 (cf: N.J.S.18A:4-29)

26

27 5. N.J.S.18A:4-37 is amended to read as follows:

28 18A:4-37. The salary of each helping teacher shall be paid as
29 other state salaries are paid. The director of the division of budget
30 and accounting shall, on order of the commissioner, draw his
31 warrant for such salary on the state treasurer and all claims for the
32 expenses of helping teachers shall be paid, in 10 equal monthly
33 installments, after being audited by the **【county】 regional**
34 superintendent, on orders issued by the **【county】 regional**
35 superintendent and drawn on the county treasurer from moneys
36 apportioned for that purpose. No such payment shall be made for
37 expenses until a duly certified monthly expense account, with
38 vouchers whenever possible, shall be submitted to the **【county】**
39 regional superintendent, which shall be kept on file in his office.

40 (cf: N.J.S.18A:4-37)

41

42 6. N.J.S.18A:6-34 is amended to read as follows:

43 18A:6-34. There shall be a State Board of Examiners, consisting
44 of the commissioner ex officio and one assistant commissioner of
45 education, two presidents of State colleges, one **【county】 regional**
46 superintendent, one superintendent of schools of a Type I district,
47 one superintendent of a Type II district, one high school principal,
48 one elementary school principal, one school business administrator,

1 one librarian employed by the State or by one of its political
2 subdivisions and four teaching staff members other than a
3 superintendent, principal, school business administrator or librarian,
4 all of whom shall be appointed by the commissioner with the
5 approval of the State board.

6 (cf: P.L.1988, c.124)

7

8 7. Section 2 of P.L.1968, c.243 (C.18A:6-52) is amended to
9 read as follows:

10 2. a. Whenever five or more boards of education in any county
11 or in any two or more counties and the commissioner after study
12 and investigation shall deem it advisable to establish a county
13 educational services commission, such boards of education may
14 petition the State Board of Education for permission to establish
15 such a commission. A report shall be attached to such petition
16 setting forth the kind or kinds of educational and administrative
17 services and programs which are deemed to be needed and proposed
18 to be provided, an estimate of the cost of providing such services
19 and programs, a method of financing the expenditures of such
20 commission, including a detailed budget which projects anticipated
21 costs and identifies anticipated sources of revenue until such can be
22 financed under its first regularly adopted budget, and any other data
23 or information deemed pertinent.

24 The State board, after studying the petition and report, shall
25 determine whether there is a need for such a commission and
26 whether its operation is feasible. If the State board finds that the
27 need exists and further finds that the operation of a commission will
28 be feasible, it shall approve the petition and so notify the petitioning
29 boards of education and the **【county】 regional** superintendent or
30 **【county】 regional** superintendents of the **【county】 region** or
31 **【counties】 regions**, as the case may be, in which such boards of
32 education are located.

33 b. Commissions of less than five member districts established
34 prior to the effective date of this amendatory act may continue to
35 provide services and programs pursuant to this act.

36 (cf: P.L.1989, c.254, s.2)

37

38 8. Section 3 of P.L.1968, c.243 (C:18A:6-53) is amended to
39 read as follows:

40 3. Whenever the boards of education and the **【county】 regional**
41 superintendent or superintendents, as the case may be, receive
42 notification that the State board approves the establishment of a
43 commission, the **【county】 regional** superintendent, or the **【county】**
44 **regional** superintendents by agreement if more than one **【county】**
45 **region** is included, shall instruct each board of education to elect
46 one of its members or the superintendent or chief school
47 administrator, to represent the district on the commission, and shall
48 fix a date and place for the first meeting of the

1 representative assembly.
2 (cf: P.L.1989, c.254, s.3)

3
4 9. Section 4 of P.L.1968, c.243 (C.18A:6-54) is amended to
5 read as follows:

6 4. The first representative assembly shall organize upon the
7 call of the **【county】 regional** superintendent or **【county】 regional**
8 superintendents, as the case may be. Thereafter the representative
9 assembly shall organize annually during the first week of June and
10 meet at other times as necessary. The representative assembly shall
11 elect, by a majority vote, from among its members a board of
12 directors to serve until the next annual organization meeting. Upon
13 election, the board of directors shall elect a president and vice
14 president who shall also serve until the next organization meeting.
15 (cf: P.L.1989, c.254, s.4)

16
17 10. Section 9 of P.L.1968, c.243 (C.18A:6-59) is amended to
18 read as follows:

19 9. The powers and duties of the secretary of the board of
20 directors shall be prescribed by the board, including but not limited
21 to the following:

22 (a) Record in a suitable book all proceedings of the board.

23 (b) Pay out on warrants signed by the president and another
24 member of the board.

25 (c) Report to the board at each regular meeting:

26 (1) The amount of the total appropriations and the cash receipts
27 for each account;

28 (2) The amount for which warrants have been drawn and the
29 amount of orders for all contractual obligations since the date of his
30 last report;

31 (3) The accounts against which the warrants have been drawn
32 and the accounts against which the contractual obligations are
33 chargeable; and

34 (4) The cash balance and free balance to the credit of each
35 account;

36 (d) Notify all members of the board of all regular meetings of
37 the board.

38 (e) Notify all members of the board of special meetings of the
39 board when ordered by the president to do so, or when requested to
40 do so by a petition in writing signed by at least 1/3 of the members
41 of the board.

42 (f) During the month of November in each year, report to the
43 board a detailed audit report of its financial transactions during the
44 preceding fiscal year, and file a copy thereof with the **【county】**
45 regional superintendent of schools, or **【county】 regional**
46 superintendents, as the case may be, of the **【county】 region** or
47 **【counties】 regions** in which the commission is located. The report
48 shall itemize all expenses, indicating which are commission

1 expenses and which are expenses of each program or service
2 offered. Where appropriate, the report shall indicate which
3 commission expenses can be reasonably charged to specific
4 programs or services. The report shall also indicate the amount and
5 disposition of revenues derived from membership charges, if any,
6 and from each program or service.

7 (g) Notify all members of the representative assembly of
8 meetings of the board of directors and record all transactions.

9 (cf: P.L.1989, c.254, s.9)

10

11 11. Section 12 of P.L.1968, c.243 (C.18A:6-62) is amended to
12 read as follows:

13 12. The representative assembly shall annually, on or before
14 March 8, adopt a budget for the ensuing fiscal year, which shall
15 contain the estimated cost of providing each service or program,
16 and submit such budget within three days of adoption to the
17 **【county】** regional superintendent for approval.

18 By January 15 prior to the adoption of the budget the board shall
19 notify each member board of education of the fees to be charged for
20 each service and program for the ensuing school year and of the
21 method by which the commission expenses shall be funded.

22 The commission expenses may be paid from one or more of the
23 following sources:

- 24 a. unappropriated balances from the prebudget year;
25 b. anticipated surpluses to be generated by fees for programs or
26 services;
27 c. payments by member districts;
28 d. anticipated miscellaneous revenues.

29 If payments shall be made by member districts to pay for all or
30 part of the commission expenses, each member district's share shall
31 be determined as the proportion which the total public school
32 enrollment in the school district on the last school day prior to
33 October 16 of the year in which the budget is made bears to the
34 total public school enrollment for all member districts on the last
35 school day prior to October 16 or in any other manner agreed to by
36 two-thirds of the members of the representative assembly. Payment
37 of the member district's share of the commission expense, when so
38 determined, shall be an obligation of a member school district, and
39 payments shall be made during the school year for which such
40 budget shall have been made in a manner determined by the
41 representative assembly.

42 (cf: P.L.1992, c.159, s.4)

43

44 12. Section 13 of P.L.1968, c.243 (C.18A:6-63) is amended to
45 read as follows:

46 13. a. The representative assembly shall from time to time
47 determine what services and programs shall be provided by the
48 commission, subject to approval of and pursuant to rules of the

1 State Board of Education. It shall determine the fee to be charged
2 for providing each service and program, and enter into contracts
3 with school districts, whether member districts of the commission
4 or not, to provide any or all such services and programs. The
5 commission may enter into contracts to provide these services and
6 programs to nonpublic schools. Such contracts for member districts
7 may be for terms not exceeding 10 years, and a member school
8 district, having so contracted, may not withdraw from membership
9 in the commission during the term of such a contract.

10 b. Commissions may enter into contracts with other public and
11 private agencies for the provision of approved services and
12 programs to participating public school districts and nonpublic
13 schools. These contractual arrangements shall conform to rules and
14 regulations of the State Board of Education and be approved by the
15 **【county】 regional** superintendent or superintendents, as the case
16 may be.

17 (cf: P.L.1989, c.254, s.13)

18

19 13. Section 14 of P.L.1968, c.243 (C.18A:6-64) is amended to
20 read as follows:

21 14. Except as provided in section 13 of this act, a school district
22 which is a member of a commission may withdraw from
23 membership by adopting a resolution setting forth its intention to
24 withdraw and the reason or reasons for the withdrawal, and filing
25 with the **【county】 regional** superintendent or superintendents, as the
26 case may be, and secretary of the board of directors a certified copy
27 of such resolution. The withdrawal shall be effective at the
28 conclusion of the third full school year after the filing of such
29 resolution with the secretary of the board of directors.

30 (cf: P.L.1989, c.254, s.14)

31

32 14. Section 1 of P.L.2001, c.292 (C.18A:6-110) is amended to
33 read as follows:

34 1. a. There is established the Spread the Word Program in the
35 Department of Education. The purpose of the program is to provide
36 books to elementary school children in grades kindergarten through
37 five. Under the program, donating schools shall collect books from
38 children and families who have extra books at home, and these
39 books shall be donated to recipient schools for distribution to
40 children who have few books at home. The program shall be
41 **【county-based】 region-based** and shall be administered by the
42 **【county】 regional** superintendent of schools.

43 b. Prior to the start of each school year, the department shall
44 send to each elementary school in the State an informational
45 brochure on the program. If the school is interested in participating
46 in the program as a donating school, the principal shall contact the
47 **【county】 regional** superintendent of schools to receive further
48 information on program participation.

1 c. A donating school shall conduct book drives. When the
2 drive is finished, the school shall review the donated books to
3 ensure that they are age-appropriate and in satisfactory condition.
4 After the review, the school shall count, sort and pack the books
5 and contact the **【county】 regional** superintendent of schools to
6 report the approximate number of books collected and the number
7 of boxes needed to be transported. The **【county】 regional**
8 superintendent of schools shall arrange for the books to be
9 transported from the donating school to an eligible recipient school.
10 The State shall assume the costs of transporting the donated books
11 to the recipient school.

12 d. The State Board of Education shall determine criteria for
13 choosing recipient schools which shall be based, at least in part, on
14 the number of low-income pupils attending the school. The
15 **【county】 regional** superintendent of schools shall contact schools
16 within the **【county】 region** that meet the criteria and provide
17 information regarding the program. An eligible school that is
18 interested in receiving donated books under the program shall
19 inform the **【county】 regional** superintendent of schools.

20 e. The Commissioner of Education shall assign a person on a
21 part-time basis to serve as the coordinator of the program.
22 (cf: P.L.2001, c.292, s.1)

23
24 15. Section 3 of P.L.1989, c.290 (C.18A:7B-12.1) is amended to
25 read as follows:

26 3. The district of residence for a homeless child determined
27 pursuant to section 19 of P.L.1979, c.207 (C.18A:7B-12) shall be
28 responsible for the education of the homeless child. The district of
29 residence shall determine the educational placement of the child
30 after consulting with the parent or guardian. This determination
31 shall be: a. to continue the child's education in the school district of
32 last attendance, b. to enroll the child in the district of residence if
33 the district of residence is not the district of last attendance, or c. to
34 enroll the child in the school district where the child is temporarily
35 living, whichever is in the child's best interest. If the parent or
36 guardian objects to the determination made by the district of
37 residence, the **【county】 regional** superintendent of schools shall be
38 notified and within 48 hours shall determine the placement of the
39 child based on criteria established by the State Board of Education.
40 Any appeals regarding the determination shall be resolved
41 according to rules established by the State Board of Education.

42 When the homeless child attends school in a district other than
43 the district of residence, the district of residence shall pay the costs
44 of tuition for the child to attend school in that district and shall pay
45 for any transportation costs incurred by that district; except that in
46 the case of a child who has resided in a domestic violence shelter or
47 transitional living facility located in a district other than the district

1 of residence for more than one year, the State shall pay the costs of
2 tuition for the child to attend school in that district. When the
3 homeless child attends school in the district of residence while
4 temporarily residing in another district, the district of residence
5 shall provide for transportation to and from school pursuant to the
6 provisions of N.J.S.18A:58-7.
7 (cf: P.L.2012, c.80, s.2)

8
9 16. Section 5 of P.L.1996, c.138 (C.18A:7F-5) is amended to
10 read as follows:

11 5. As used in this section, "cost of living" means the CPI as
12 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45).

13 a. Within 30 days following the approval of the Educational
14 Adequacy Report, the commissioner shall notify each district of the
15 base per pupil amount, the per pupil amounts for full-day preschool,
16 the weights for grade level, county vocational school districts, at-
17 risk pupils, bilingual pupils, and combination pupils, the cost
18 coefficients for security aid and for transportation aid, the State
19 average classification rate and the excess cost for general special
20 education services pupils, the State average classification rate and
21 the excess cost for speech-only pupils, and the geographic cost
22 adjustment for each of the school years to which the report is
23 applicable.

24 Annually, within two days following the transmittal of the State
25 budget message to the Legislature by the Governor pursuant to
26 section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner
27 shall notify each district of the maximum amount of aid payable to
28 the district in the succeeding school year pursuant to the provisions
29 of P.L.2007, c.260 (C.18A:7F-43 et al.), and shall notify each
30 district of the district's adequacy budget for the succeeding school
31 year.

32 For the 2008-2009 school year and thereafter, unless otherwise
33 specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts
34 payable for the budget year shall be based on budget year pupil
35 counts, which shall be projected by the commissioner using data
36 from prior years. Adjustments for the actual pupil counts of the
37 budget year shall be made to State aid amounts payable during the
38 school year succeeding the budget year. Additional amounts
39 payable shall be reflected as revenue and an account receivable for
40 the budget year.

41 Notwithstanding any other provision of this act to the contrary,
42 each district's State aid payable for the 2008-2009 school year, with
43 the exception of aid for school facilities projects, shall be based on
44 simulations employing the various formulas and State aid amounts
45 contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The
46 commissioner shall prepare a report dated December 12, 2007
47 reflecting the State aid amounts payable by category for each
48 district and shall submit the report to the Legislature prior to the

1 adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as
2 otherwise provided pursuant to this subsection and paragraph (3) of
3 subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the
4 amounts contained in the commissioner's report shall be the final
5 amounts payable and shall not be subsequently adjusted other than
6 to reflect the phase-in of the required general fund local levy
7 pursuant to paragraph (4) of subsection b. of section 16 of
8 P.L.2007, c.260 (C.18A:7F-58) and to reflect school choice aid to
9 which a district may be entitled pursuant to section 20 of that act.
10 The projected pupil counts and equalized valuations used for the
11 calculation of State aid shall also be used for the calculation of
12 adequacy budget, local share, and required local share. For 2008-
13 2009, extraordinary special education State aid shall be included as
14 a projected amount in the commissioner's report dated December
15 12, 2007 pending the final approval of applications for the aid. If
16 the actual award of extraordinary special education State aid is
17 greater than the projected amount, the district shall receive the
18 increase in the aid payable in the subsequent school year pursuant
19 to the provisions of subsection c. of section 13 of P.L.2007, c.260
20 (C.18A:7F-55). If the actual award of extraordinary special
21 education State aid is less than the projected amount, other State aid
22 categories shall be adjusted accordingly so that the district shall not
23 receive less State aid than as provided in accordance with the
24 provisions of sections 5 and 16 of P.L.2007, c.260 (C.18A:7F-47
25 and C.18A:7F-58).

26 In the event that the commissioner determines, following the
27 enactment of P.L.2007, c.260 (C.18A:7F-43 et al.) but prior to the
28 issuance of State aid notices for the 2008-2009 school year, that a
29 significant district-specific change in data warrants an increase in
30 State aid for that district, the commissioner may adjust the State aid
31 amount provided for the district in the December 12, 2007 report to
32 reflect the increase.

33 b. Each district shall have a required local share. For districts
34 that receive educational adequacy aid pursuant to subsection b. of
35 section 16 of P.L.2007, c.260 (C.18A:7F-58), the required local
36 share shall be calculated in accordance with the provisions of that
37 subsection.

38 For all other districts, the required local share shall equal the
39 lesser of the local share calculated at the district's adequacy budget
40 pursuant to section 9 of P.L.2007, c.260 (C.18A:7F-51), or the
41 district's budgeted local share for the prebudget year.

42 In order to meet this requirement, each district shall raise a
43 general fund tax levy which equals its required local share.

44 No municipal governing body or bodies or board of school
45 estimate, as appropriate, shall certify a general fund tax levy which
46 does not meet the required local share provisions of this section.

47 c. Annually, on or before March 4, or on or before March 20 in
48 the case of a school district with an annual school election in

1 November, each district board of education shall adopt, and submit
2 to the commissioner for approval, together with such supporting
3 documentation as the commissioner may prescribe, a budget that
4 provides for a thorough and efficient education. Notwithstanding
5 the provisions of this subsection to the contrary, the commissioner
6 may adjust the date for the submission of district budgets if the
7 commissioner determines that the availability of preliminary aid
8 numbers for the subsequent school year warrants such adjustment.

9 Notwithstanding any provision of this section to the contrary, for
10 the 2005-2006 school year each district board of education shall
11 submit a proposed budget in which the advertised per pupil
12 administrative costs do not exceed the lower of the following:

13 (1) the district's advertised per pupil administrative costs for the
14 2004-2005 school year inflated by the cost of living or 2.5 percent,
15 whichever is greater; or

16 (2) the per pupil administrative cost limits for the district's
17 region as determined by the commissioner based on audited
18 expenditures for the 2003-2004 school year.

19 The executive county superintendent of schools may disapprove
20 the school district's 2005-2006 proposed budget if he determines
21 that the district has not implemented all potential efficiencies in the
22 administrative operations of the district. The executive county
23 superintendent shall work with each school district in the county
24 during the 2004-2005 school year to identify administrative
25 inefficiencies in the operations of the district that might cause the
26 superintendent to reject the district's proposed 2005-2006 school
27 year budget.

28 For the 2006-2007 school year and each school year thereafter,
29 each district board of education shall submit a proposed budget in
30 which the advertised per pupil administrative costs do not exceed
31 the lower of the following:

32 (1) the district's prior year per pupil administrative costs; except
33 that the district may submit a request to the commissioner for
34 approval to exceed the district's prior year per pupil administrative
35 costs due to increases in enrollment, administrative positions
36 necessary as a result of mandated programs, administrative
37 vacancies, nondiscretionary fixed costs, and such other items as
38 defined in accordance with regulations adopted pursuant to section
39 7 of P.L.2004, c.73. In the event that the commissioner approves a
40 district's request to exceed its prior year per pupil administrative
41 costs, the increase authorized by the commissioner shall not exceed
42 the cost of living or 2.5 percent, whichever is greater; or

43 (2) the prior year per pupil administrative cost limits for the
44 district's region inflated by the cost of living or 2.5 percent,
45 whichever is greater.

46 d. (1) A district's general fund tax levy shall not exceed the
47 district's adjusted tax levy as calculated pursuant to sections 3 and 4
48 of P.L.2007, c.62 (C.18A:7F-38 and 18A:7F-39).

1 (2) (Deleted by amendment, P.L.2007, c.260).

2 (3) (Deleted by amendment, P.L.2007, c.260).

3 (4) Any debt service payment made by a school district during
4 the budget year shall not be included in the calculation of the
5 district's adjusted tax levy.

6 (5) (Deleted by amendment, P.L.2007, c.260).

7 (6) (Deleted by amendment, P.L.2007, c.260).

8 (7) (Deleted by amendment, P.L.2004, c.73).

9 (8) (Deleted by amendment, P.L.2010, c.44)

10 (9) Any district may submit at the annual school budget
11 election, in accordance with subsection c. of section 4 of P.L.2007,
12 c.62 (C.18A:7F-39), a separate proposal or proposals for additional
13 funds, including interpretive statements, specifically identifying the
14 program purposes for which the proposed funds shall be used, to the
15 voters, who may, by voter approval, authorize the raising of an
16 additional general fund tax levy for such purposes. In the case of a
17 district with a board of school estimate, one proposal for the
18 additional spending shall be submitted to the board of school
19 estimate. Any proposal or proposals submitted to the voters or the
20 board of school estimate shall not: include any programs and
21 services that were included in the district's prebudget year net
22 budget unless the proposal is approved by the commissioner upon
23 submission by the district of sufficient reason for an exemption to
24 this requirement; or include any new programs and services
25 necessary for students to achieve the thoroughness standards
26 established pursuant to subsection a. of section 4 of P.L.2007, c.260
27 (C.18A:7F-46).

28 The [executive county] regional superintendent of schools may
29 prohibit the submission of a separate proposal or proposals to the
30 voters or board of school estimate if he determines that the district
31 has not implemented all potential efficiencies in the administrative
32 operations of the district, which efficiencies would eliminate the
33 need for the raising of an additional general fund tax levy.

34 (10) Notwithstanding any provision of law to the contrary, if a
35 district proposes a budget with a general fund tax levy and
36 equalization aid which exceed the adequacy budget, the following
37 statement shall be published in the legal notice of public hearing on
38 the budget pursuant to N.J.S.18A:22-28, posted at the public
39 hearing held on the budget pursuant to N.J.S.18A:22-29, and
40 printed on the sample ballot required pursuant to section 10 of
41 P.L.1995, c.278 (C.19:60-10):

42 "Your school district has proposed programs and services in
43 addition to the core curriculum content standards adopted by the
44 State Board of Education. Information on this budget and the
45 programs and services it provides is available from your local
46 school district."

47 (11) Any reduction that may be required to be made to programs
48 and services included in a district's prebudget year net budget in

1 order for the district to limit the growth in its budget between the
2 prebudget and budget years by its tax levy growth limitation as
3 calculated pursuant to sections 3 and 4 of P.L.2007, c.62
4 (C.18A:7F-38 and 18A:7F-39), shall only include reductions to
5 excessive administration or programs and services that are
6 inefficient or ineffective.

7 e. (1) Any general fund tax levy rejected by the voters for a
8 proposed budget that includes a general fund tax levy and
9 equalization aid in excess of the adequacy budget shall be submitted
10 to the governing body of each of the municipalities included within
11 the district for determination of the amount that should be expended
12 notwithstanding voter rejection. In the case of a district having a
13 board of school estimate, other than a Type II district with a board
14 of school estimate in which the annual election is in November, the
15 general fund tax levy shall be submitted to the board for
16 determination of the amount that should be expended. If the
17 governing body or bodies or board of school estimate, as
18 appropriate, reduce the district's proposed budget, the district may
19 appeal any of the reductions to the commissioner on the grounds
20 that the reductions will negatively impact on the stability of the
21 district given the need for long term planning and budgeting. In
22 considering the appeal, the commissioner shall consider enrollment
23 increases or decreases within the district; the history of voter
24 approval or rejection of district budgets; the impact on the local
25 levy; and whether the reductions will impact on the ability of the
26 district to fulfill its contractual obligations. A district may not
27 appeal any reductions on the grounds that the amount is necessary
28 for a thorough and efficient education.

29 (2) Any general fund tax levy rejected by the voters for a
30 proposed budget that includes a general fund tax levy and
31 equalization aid at or below the adequacy budget shall be submitted
32 to the governing body of each of the municipalities included within
33 the district for determination of the amount that should be expended
34 notwithstanding voter rejection. In the case of a district having a
35 board of school estimate, other than a Type II district with a board
36 of school estimate in which the annual election is in November, the
37 general fund tax levy shall be submitted to the board for
38 determination. Any reductions may be appealed to the
39 commissioner on the grounds that the amount is necessary for a
40 thorough and efficient education or that the reductions will
41 negatively impact on the stability of the district given the need for
42 long term planning and budgeting. In considering the appeal, the
43 commissioner shall also consider the factors outlined in paragraph
44 (1) of this subsection.

45 In addition, the municipal governing body or board of school
46 estimate shall be required to demonstrate clearly to the
47 commissioner that the proposed budget reductions shall not
48 adversely affect the ability of the school district to provide a

1 thorough and efficient education or the stability of the district given
2 the need for long term planning and budgeting.

3 (3) In lieu of any budget reduction appeal provided for pursuant
4 to paragraphs (1) and (2) of this subsection, the State board may
5 establish pursuant to the "Administrative Procedure Act," P.L.1968,
6 c.410 (C.52:14B-1 et seq.), an expedited budget review process
7 based on a district's application to the commissioner for an order to
8 restore a budget reduction.

9 (4) When the voters, municipal governing body or bodies, board
10 of education in the case of a school district in which the annual
11 school election has been moved to November pursuant to subsection
12 a. of section 1 of P.L.2011, c.202 (C.19:60-1.1), or the board of
13 school estimate authorize the general fund tax levy, the district shall
14 submit the resulting budget to the commissioner within 15 days of
15 the authorization.

16 f. (Deleted by amendment, P.L.2007, c.260).

17 g. (Deleted by amendment, P.L.2007, c.260).

18 (cf: P.L.2013, c.280, s.1)

19

20 17. Section 33 of P.L.1996, c.138 (C.18A:7F-33) is amended to
21 read as follows:

22 33. Annually, on or before October 20, the secretary of the
23 board of education, with approval of the superintendent of schools,
24 or if there is no superintendent of schools, with the approval of the
25 **【executive county】** regional superintendent of schools, shall file
26 with the commissioner a report prescribed by the commissioner
27 containing all data necessary to effectuate the aid provisions of
28 P.L.2007, c.260 (C.18A:7F-43 et al.), which shall include but not be
29 limited to, the number of pupils enrolled by grade, the number of
30 these pupils classified as eligible for special education services and
31 speech-only services, the number of pupils in approved programs
32 for bilingual education, the number of at-risk pupils, the number of
33 combination pupils, and the number of pupils in State facilities,
34 county vocational schools, State college demonstration schools,
35 evening schools, other public or private schools to which the district
36 is paying tuition, or who are receiving home instruction on the last
37 school day prior to October 16. In addition, districts shall file
38 annual reports providing such information as the commissioner may
39 require for pupils receiving special education services.

40 (cf: P.L.2007, c.260, s.34)

41

42 18. Section 2 of P.L.2007, c.260 (C.18A:7F-44) is amended to
43 read as follows:

44 2. The Legislature finds and declares that:

45 a. The Constitution of the State of New Jersey states that the
46 Legislature shall provide for the maintenance and support of a
47 thorough and efficient system of free public schools for the
48 instruction of all children in the State between the ages of five and

1 eighteen years. (N.J. Const. art. VIII, sec. 4, par.1).

2 b. The State, in addition to any constitutional mandates, has a
3 moral obligation to ensure that New Jersey's children, wherever
4 they reside, are provided the skills and knowledge necessary to
5 succeed. Any school funding formula should provide resources in a
6 manner that optimizes the likelihood that children will receive an
7 education that will make them productive members of society.

8 c. Although the Supreme Court of New Jersey has held that
9 prior school funding statutes did not establish a system of public
10 education that was thorough and efficient as to certain districts, the
11 Court has consistently held that the Legislature has the
12 responsibility to substantively define what constitutes a thorough
13 and efficient system of education responsive to that constitutional
14 requirement.

15 d. Every child in New Jersey must have an opportunity for an
16 education based on academic standards that satisfy constitutional
17 requirements regardless of where the child resides, and public funds
18 allocated to this purpose must be expended to support schools that
19 are thorough and efficient in delivering those educational standards.
20 In turn, school districts must be assured the financial support
21 necessary to provide those constitutionally compelled educational
22 standards. Any school funding formula should provide State aid for
23 every school district based on the characteristics of the student
24 population and up-to-date measures of the individual district's
25 ability to pay.

26 e. New Jersey's current public school funding formula,
27 established under the provisions of the "Comprehensive Educational
28 Improvement and Financing Act of 1996," (CEIFA) P.L.1996,
29 c.138, has not been used to calculate State aid for public schools
30 since the 2001-02 school year. Any new school funding formula
31 should account for changes in enrollment and other significant
32 developments, providing relief to those districts that have
33 experienced substantial enrollment increases.

34 f. The decisions in the Abbott cases have resulted in frequent
35 litigation and a fragmented system of funding under which limited
36 resources cannot be distributed equitably to all districts where at-
37 risk children reside, instead dividing the districts sharply into
38 Abbott and non-Abbott categories for funding purposes without
39 regard to a district's particular pupil characteristics and leading to
40 needlessly adversarial relationships among school districts and
41 between districts and the State.

42 g. In the absence of a clear, unitary, enforceable statutory
43 formula to govern appropriations for education, crucial funding
44 decisions are made annually, in competition for limited State
45 resources with other needs and requirements as part of the annual
46 budget negotiation process, utilizing many different classes and
47 categories of aid, leading to an uncertain, unpredictable, and
48 untenable funding situation for the State and school districts alike.

1 h. This act represents the culmination of five years of diligent
2 efforts by both the Executive and Legislative branches of State
3 government to develop an equitable and predictable way to
4 distribute State aid that addresses the deficiencies found in past
5 formulas as identified by the Supreme Court. Working together
6 toward this common goal, the Department of Education and the
7 Legislature engaged nationally recognized experts in education
8 funding and provided significant opportunities for stakeholder
9 involvement and public input to assist in formulating and refining a
10 comprehensive school funding model that has been validated by
11 experts. The formula accounts for the individual characteristics of
12 school districts and the realities of their surroundings, including the
13 need for additional resources to address the increased disadvantages
14 created by high concentrations of children at-risk.

15 i. The formula established under this act is the product of a
16 careful and deliberative process that first involved determining the
17 educational inputs necessary to provide a high-quality education,
18 including specifically addressing the supplemental needs of at-risk
19 students and those with limited English proficiency (LEP), and a
20 determination of the actual cost of providing those programs. The
21 formula provides adequate funding that is realistically geared to the
22 core curriculum content standards, thus linking those standards to
23 the actual funding needed to deliver that content.

24 j. In recognition of the unique problems and cost
25 disadvantages faced by districts with high concentrations of at-risk
26 students, it is appropriate to reflect in the formula a greater weight
27 as the district's proportion of at-risk students increases. In addition,
28 the new formula recognizes the disadvantages of an expanded group
29 of students by including in the definition of at-risk those students
30 who qualify for free or reduced-price lunch. Expanding the
31 definition of at-risk students in this manner will significantly
32 increase the resources flowing to districts with high concentrations
33 of these low-income students.

34 k. In light of the demonstrable, beneficial results and success of
35 the current Abbott preschool program, it is appropriate to build
36 upon this success by incorporating in the formula an expanded high-
37 quality preschool program for all children who qualify for free and
38 reduced price meals in all districts. It is appropriate for the formula
39 to acknowledge that at-risk children do not always receive the same
40 educational exposure at an early age as their peers and to provide
41 the additional resources necessary through high-quality preschool to
42 prepare every child to learn and succeed.

43 l. It is appropriate to reflect in this formula the inherent value
44 of educating a child in the least restrictive environment and,
45 whenever possible, in that child's neighborhood school alongside
46 his peers. The new funding formula should provide incentives for
47 keeping classified students in district.

48 m. It is also appropriate to recognize in the formula the need for

1 all schools to incorporate effective security measures, which may
2 vary from district to district depending upon the at-risk student
3 population and other factors, and to provide categorical funding to
4 address these important requirements.

5 n. In recognition of the potentially wide variability in special
6 education costs, even for the same category of disability, from
7 district to district, it is appropriate for the new funding formula to
8 mitigate the impact of that variability by establishing a census
9 model based on the actual Statewide average excess cost of
10 educating special education students and by providing for an
11 increase in State aid for extraordinary costs incurred by districts.

12 o. It is imperative that any new school funding formula work in
13 conjunction with the key school accountability measures that have
14 been enacted in recent years to promote greater oversight,
15 transparency, and efficiency in the delivery of educational services.
16 These accountability measures include the New Jersey Quality
17 Single Accountability Continuum, the "School District Fiscal
18 Accountability Act," P.L.2006, c.15 (C.18A:7A-54 et seq.),
19 P.L.2007, c.63 (C.40A:65-1 et al.) which established the duties and
20 responsibilities of the **【executive county】** regional superintendent
21 of schools, and P.L.2007, c.53 (C.18A:55-3 et al.).

22 p. Together with a renewed legislative focus on and
23 commitment to providing sufficient means to maintain and support
24 a high-quality system of free public schools in the State, a new
25 funding formula supported by significantly increased State
26 resources will ensure compliance with all statutory and
27 constitutional mandates. Districts that were formerly designated as
28 Abbott districts will be provided sufficient resources to continue
29 those Court-identified programs, positions, and services that have
30 proven effective while being provided the flexibility to shift
31 resources and programmatic focus based on the needs of their
32 students and current research.

33 q. The time has come for the State to resolve the question of
34 the level of funding required to provide a thorough and efficient
35 system of education for all New Jersey school children. The
36 development and implementation of an equitable and adequate
37 school funding formula will not only ensure that the State's students
38 have access to a constitutional education as defined by the core
39 curriculum content standards, but also may help to reduce property
40 taxes and assist communities in planning to meet their educational
41 expenses. The development of a predictable, transparent school
42 funding formula is essential for school districts to plan effectively
43 and deliver the quality education that our citizens expect and our
44 Constitution requires.

45 (cf: P.L.2007, c.260, s.2)

46

47 19. N.J.S.18A:8-3 is amended to read as follows:

48 18A:8-3. The first board of education of the new school district

1 shall consist of nine persons, who are legal residents of the district
2 possessing the qualifications requisite for board membership in
3 other school districts, except the two-year residence requirement,
4 which shall not be effective until the fourth annual school election
5 of the newly created district. They shall be appointed by the
6 **【county】 regional** superintendent as soon after the creation of the
7 new municipality as possible, and they shall continue in office until
8 the qualification in office of their successors, who shall be elected
9 at the ensuing annual school election for terms to be so arranged by
10 the appointed board that, as soon as possible, the term of each
11 member of the board shall be three years and the terms of three
12 members shall expire in each year.

13 (cf: N.J.S.18A:8-3)

14

15 20. N.J.S.18A:8-5 is amended to read as follows:

16 18A:8-5. The governing body of any such municipality may,
17 by resolution, apply to the **【county】 regional** superintendent to
18 make an investigation as to the advisability of constituting that
19 municipality a separate school district.

20 (cf: N.J.S.18A:8-5)

21

22 21. N.J.S.18A:8-6 is amended to read as follows:

23 18A:8-6. The **【county】 regional** superintendent shall, within
24 30 days after such request, file with the governing bodies of all of
25 such municipalities and the board of education of the school district
26 a report containing such financial, educational and other
27 information as he may deem necessary to enable said governing
28 bodies and board of education to form an intelligent judgment as to
29 the advisability of the proposed separation and the effect thereof
30 upon the educational and financial condition of the new district and
31 the remaining district and setting forth the amount of indebtedness,
32 if any, to be assumed by the new and remaining districts calculated
33 as hereinafter provided.

34 (cf: N.J.S.18A:8-6)

35

36 22. N.J.S.18A:8-9 is amended to read as follows:

37 18A:8-9. The governing body of the applying municipality
38 may, within 30 days after the filing of the report, petition the
39 commissioner for permission to submit to the legal voters of the
40 municipality the question whether or not the municipality shall be
41 constituted a separate school district, and in such petition may
42 request any specific reduction or increase in the amount of
43 indebtedness to be assumed. Proof of the service of a copy of the
44 petition upon each municipality in the original school district, the
45 board of education thereof, and the **【county】 regional**
46 superintendent, prior to the filing of the petition, shall accompany
47 the petition.

48 (cf: N.J.S.18A:8-9)

1 23. N.J.S.18A:8-10 is amended to read as follows:

2 18A:8-10. The governing body of any other municipality in the
3 school district and the board of education thereof shall, within 15
4 days after service of a copy of the petition upon it, file an answer
5 thereto with the commissioner and serve a copy of such answer
6 upon every other municipality included in the original district, the
7 board of education thereof and the **【county】** regional
8 superintendent.

9 (cf: N.J.S.18A:8-10)

10

11 24. N.J.S.18A:8-14 is amended to read as follows:

12 18A:8-14. If the application be granted, the **【county】** regional
13 superintendent shall, within 30 days thereafter, fix a day, between
14 the first day of April next ensuing and the first day of December
15 next occurring after said first day of April, and a time on said day
16 for holding a special school election, at which time the question
17 whether or not the municipality shall be constituted a separate
18 school district shall be submitted to the legal voters of the
19 municipality.

20 (cf: N.J.S.18A:8-14)

21

22 25. N.J.S.18A:8-15 is amended to read as follows:

23 18A:8-15. The amount of indebtedness to be assumed by the
24 proposed new district and the effect of such indebtedness upon the
25 borrowing margin of the municipality and the proposed new district
26 shall be stated in the notices and advertisements of the special
27 school election and in the ballots to be used therein, and said
28 election shall be conducted and the results thereof determined in the
29 manner prescribed by law for special school elections in type II
30 districts. The result shall be certified within five days after the
31 holding of the election to the **【county】** regional superintendent and
32 the board of education.

33 (cf: N.J.S.18A:8-15)

34

35 26. N.J.S.18A:8-18 is amended to read as follows:

36 18A:8-18. The members of the board of education of the
37 original district shall continue in office as members of such district
38 until the creation of the new district and the members of said board
39 who reside in the new district shall also be members of the first
40 board of education of the new district and those who do not reside
41 therein shall also be members of the first board of education of the
42 remaining district. They shall continue to serve as members of the
43 board of education of the new and remaining districts respectively
44 until the expiration of the respective terms for which they were
45 elected as members of the board of education of the original district.
46 Such number of additional members of the first board of education
47 of the new district and of the remaining district as shall be required
48 to complete full membership thereof, shall be appointed by the

1 **【county】 regional** superintendent and their successors shall be
2 elected at school elections of the districts, which shall be held at the
3 same time as that on which the annual election of the original
4 district would have been held in the next school year. The elected
5 members of said boards shall take office at the organization meeting
6 succeeding their election and the appointed members shall continue
7 in office until said date.

8 (cf: P.L.1987, c.289, s.1)

9

10 27. N.J.S.18A:8-24 is amended to read as follows:

11 18A:8-24. The **【county】 regional** superintendent in a written
12 report filed by him at the end of the school year preceding that in
13 which the new district is created shall make a division of the assets,
14 except school buildings, grounds, furnishings and equipment, and
15 of the liabilities, other than the bonded indebtedness of the original
16 district, between the new district and the remaining district on the
17 basis of the amount of the ratables in the respective districts on
18 which the last school tax was levied, and in determining the
19 amount of assets to be divided, he shall take into account the
20 present value of the school books, supplies, fuel, motor vehicles and
21 all personal property other than furnishings and equipment. In the
22 case of any vehicle used for the transportation of school children,
23 the original cost of the vehicle, less any state aid appropriated
24 therefor, shall be deemed to be the present value.

25 (cf: N.J.S.18A:8-24)

26

27 28. N.J.S.18A:8-29 is amended to read as follows:

28 18A:8-29. The membership of the board shall, except as
29 otherwise provided by this chapter, be apportioned by the **【county】**
30 regional superintendent or **【county】 regional** superintendents
31 among the several consolidating school districts as nearly as may be
32 according to the number of their inhabitants, as shown by the last
33 published federal census report, but each district shall have at least
34 one member. The apportionment of membership shall continue
35 until changed by reapportionment by the **【county】 regional**
36 superintendent or **【county】 regional** superintendents, which shall
37 be made, when required, immediately succeeding each published
38 federal census report, but the members of the board in office at the
39 time of any reapportionment shall continue in office for their
40 unexpired terms.

41 (cf: N.J.S.18A:8-29)

42

43 29. N.J.S.18A:8-30 is amended to read as follows:

44 18A:8-30. The membership of the board of any consolidated
45 school district heretofore created, in which such membership has
46 not been determined by apportionment, shall be selected as
47 heretofore, but in any such district there may be adopted the
48 apportionment provisions of this chapter at any annual school

1 election by approval of a majority of the votes cast on such
2 proposition.

3 The proposition shall be placed on the ballots to be used at such
4 election whenever a petition requesting the submission of such
5 proposition, signed by not less than five per cent of the registered
6 voters of the consolidated district, shall have been filed with the
7 secretary at least 20 days prior to the date fixed for the holding
8 thereof.

9 If such proposition shall be adopted, the **【county】 regional**
10 superintendent or **【county】 regional** superintendents of the
11 **【county】 region** or **【counties】 regions**, in which the district is
12 situate, shall apportion the membership of the board of the
13 consolidated district in accordance with this chapter, beginning with
14 the next annual election, and as the terms of the respective members
15 of the board in office shall expire, and thereafter the members of
16 said board shall be elected accordingly.

17 (cf: N.J.S.18A:8-30)

18

19 30. N.J.S.18A:8-35 is amended to read as follows:

20 18A:8-35. The schools under each consolidated board of
21 education shall be under the supervision of the **【county】 regional**
22 superintendent of the **【county】 region** including the constituent
23 district or districts having the larger or largest amount of ratables,
24 as ascertained from the last published report of the director of the
25 division of taxation in the department of the treasury.

26 (cf: N.J.S.18A:8-35)

27

28 31. Section 2 of P.L.2009, c.78 (C.18A:8-44) is amended to read
29 as follows:

30 2. a. Except as otherwise provided in subsection b. of this
31 section, the **【executive county】 regional** superintendent of schools
32 shall eliminate any non-operating district and merge that district
33 with the district with which it participates in a sending-receiving
34 relationship.

35 b. If a non-operating district is in a sending-receiving
36 relationship with more than one district or is in a sending-receiving
37 relationship with a district in need of improvement pursuant to the
38 "No Child Left Behind Act of 2001," Pub.L.107-110, then the
39 **【executive county】 regional** superintendent shall determine with
40 which district the non-operating district shall be merged. The
41 determination shall be based on the district that is able to
42 accommodate the merger with the least disruption to its finances
43 and educational operations. In making the determination the
44 **【executive county】 regional** superintendent shall examine, but need
45 not be limited to, the following factors: current sending-receiving
46 relationships; the quality and effectiveness of educational
47 programming and district operations; proximity of school districts;

1 transportation costs; school building capacity; and special education
2 needs.

3 (cf: P.L.2009, c.78, s.2)

4

5 32. Section 5 of P.L.2009, c.78 (C.18A:8-47) is amended to read
6 as follows:

7 5. a. If the district with which the non-operating district is
8 merged is a Type II district without a board of school estimate,
9 except as otherwise provided in this subsection, the new district
10 established pursuant to section 2 of this act shall have a board of
11 education with the same number of members as the board of
12 education of the district with which the non-operating district has
13 been merged. The members of the board of education of the district
14 with which the non-operating district has been merged shall
15 continue in office as members of the first board of education of the
16 new district until the expiration of the respective terms for which
17 they were elected.

18 In any year in which the term of a member of the board of
19 education of the new district expires, his successor shall be elected
20 at-large by the voters of the new district.

21 The **【executive county】** regional superintendent shall, not later
22 than 30 days after the merger of the districts, appoint one member
23 of the board of education of the former non-operating district to the
24 board of the new district, who shall serve until the first Monday
25 succeeding the first annual school election in which a member of
26 the board of education of the new district is elected at-large; except
27 that if the former non-operating district had representation on the
28 board of education of the district with which it has been merged
29 pursuant to section 2 of P.L.1995, c.8 (C.18A:38-8.2), then that
30 representative shall be the person appointed by the **【executive**
31 **county】** regional superintendent. The member appointed by the
32 **【executive county】** regional superintendent shall be a voting
33 member of the board.

34 b. If the district with which the non-operating district is merged
35 is a Type I district, the new district shall have a board of education
36 with the same number of members as the board of education of the
37 district with which the non-operating district has been merged plus
38 one additional member. The mayor or other chief executive officer
39 of the municipality in which the former non-operating district is
40 located shall appoint the one additional member.

41 c. If the district with which the non-operating district is merged
42 is a regional district, the former non-operating district shall be
43 treated as a constituent district of the regional district and the
44 membership of the board of education of the new district shall be in
45 accordance with the provisions of chapter 13 of Title 18A of the
46 New Jersey Statutes.

47 (cf: P.L.2009, c.78, s.5)

1 33. Section 9 of P.L.2009, c.78 (C.18A:8-51) is amended to read
2 as follows:

3 9. Nothing in this act shall be construed to prohibit **[an**
4 **executive county]** a regional superintendent from including a
5 former non-operating district in the consolidation plan submitted by
6 the **[executive county]** regional superintendent to the commissioner
7 pursuant to **[subsection h. of N.J.S.18A:7-8]** law.
8 (cf: P.L.2009, c.78, s.9)

9
10 34. N.J.S.18A:10-7 is amended to read as follows:

11 18A:10-7. The boards of education of each **[county]** region
12 shall meet together semiannually at times and places fixed by the
13 **[county]** regional superintendent.
14 (cf: N.J.S.18A:10-7)

15
16 35. N.J.S.18A:12-15 is amended to read as follows:

17 18A:12-15. Vacancies in the membership of the board shall be
18 filled as follows:

19 a. By the **[county]** regional superintendent, if the vacancy is
20 caused by the absence of candidates for election to the school board
21 or by the removal of a member because of lack of qualifications, or
22 is not filled within 65 days following its occurrence;

23 b. By the **[county]** regional superintendent, to a number
24 sufficient to make up a quorum of the board if, by reason of
25 vacancies, a quorum is lacking;

26 c. By special election, if in the annual school election two or
27 more candidates qualified by law for membership on the school
28 board receive an equal number of votes. Such special election shall
29 be held only upon recount and certification by the county board of
30 elections of such election result, shall be restricted to such
31 candidates, shall be held within 60 days of the annual school
32 election, and shall be conducted in accordance with procedures for
33 annual and special school elections set forth in Title 19 of the
34 Revised Statutes. The vacancy shall be filled by the **[county]**
35 regional superintendent if in such special election two or more
36 candidates qualified by law for membership on the school board
37 receive an equal number of votes;

38 d. By special election if there is a failure to elect a member at
39 the annual school election due to improper election procedures.
40 Such special election shall be restricted to those persons who were
41 candidates at such annual school election, shall be held within 60
42 days of such annual school election, and shall be conducted in
43 accordance with the procedures for annual and special school
44 elections set forth in Title 19 of the Revised Statutes;

45 e. By the commissioner if there is a failure to elect a member at
46 the annual school election due to improper campaign practices; or

1 f. By a majority vote of the remaining members of the board
2 after the vacancy occurs in all other cases.

3 Each member so appointed shall serve until the organizational
4 meeting following the next annual election unless the member is
5 appointed to fill a vacancy occurring within the 60 days
6 immediately preceding such election if the annual election is held in
7 April, or occurring after the third Monday in July if the election is
8 held in November, to fill a term extending beyond such election, in
9 which case the member shall serve until the organizational meeting
10 following the second annual election next succeeding the
11 occurrence of the vacancy, and any vacancy for the remainder of the
12 term shall be filled at the annual election or the second annual
13 election next succeeding the occurrence of the vacancy, as the case
14 may be.

15 (cf: P.L.2013, c.172, s.2)

16

17 36. N.J.S.18A:13-4 is amended to read as follows:

18 18A:13-4. Each regional school district shall be under the
19 supervision of the **【county】 regional** superintendent of the **【county】**
20 **region** in which the constituent districts having the greatest amount
21 of ratables are situate.

22 (cf: N.J.S.18A:13-4)

23

24 37. 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. If there are
29 nine or less constituent districts, the members of the board of
30 education of the regional district shall be apportioned by the
31 **【executive county】 regional** superintendent or **【executive county】**
32 **regional** superintendents of the **【county】 region** or **【counties】**
33 **regions** in which the constituent districts are situate, among said
34 districts as nearly as may be according to the number of their
35 inhabitants except that each constituent district shall have at least
36 one member.

37 In making the apportionment of the membership of a regional
38 board of education among the several school districts uniting to
39 create a regional school district having nine or less constituent
40 districts, as required by section 18A:13-36, there shall be subtracted
41 from the number of inhabitants of a constituent school district, as
42 shown by the last federal census officially promulgated in this
43 State, the number of such inhabitants who according to the records
44 of the Federal Bureau of the Census were patients in, or inmates of,
45 any State or federal hospital or prison, or who are military
46 personnel stationed at, or civilians residing within the limits of, any
47 United States Army, Navy or Air Force installation, located in such
48 constituent school district.

1 If there are more than nine constituent districts, the members on
2 the board shall be apportioned among the constituent districts and
3 the weight of their votes in all proceedings of the board shall be
4 determined by the appropriate **【executive county】** regional
5 superintendent or superintendents through the following procedure:

6 a. The number of inhabitants of each constituent district shall
7 be determined as shown by the last federal census officially
8 promulgated in this State.

9 b. A representative ratio shall be calculated by adding the
10 number of inhabitants of all constituent districts and dividing the
11 sum by the board size.

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

23 d. There shall be established a priority list according to the
24 method of equal proportions for the apportionment of the members
25 of the regional district board of education among the representative
26 districts.

27 e. The members of the regional district board of education shall
28 be apportioned among the representative districts according to the
29 method of equal proportions, and where a representative district is
30 composed of more than one constituent district, members shall be
31 elected at large from within the representative district.

32 f. The number of inhabitants of each representative district
33 shall be divided by the number of members assigned to that district
34 to find the number of inhabitants per member.

35 g. The vote to be cast by each member of the regional district
36 board of education in all proceedings of the board shall be
37 determined by dividing the number of inhabitants per member in the
38 representative district from which the member is elected by the
39 representative ratio for the regional district, and rounding off the
40 quotient to the nearest tenth of a full vote.

41 Wherever any statute or bylaw of the board requires decision in
42 any matter by vote of a majority of the board members, or of the
43 members present, this shall be interpreted as meaning a majority of
44 the weighted votes of all members, or of the members present, as
45 the case may be.

46 h. Whenever the above reapportionment procedure is used for a
47 regional district having more than nine constituent districts, the
48 terms of office of all incumbent board of education members shall

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

17 If any constituent district is a consolidated district, or a district
18 composed of two or more municipalities, and

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

23 b. The regional district is an all purpose district, the
24 membership of the regional board of education from such district
25 shall be apportioned, and from time to time reapportioned, and the
26 members from the district shall be elected, as their respective terms
27 expire, in the same manner as though each of the municipalities
28 making up such constituent district were constituent districts of the
29 regional district.

30 (cf: P.L.2011, c.202, s.8)

31

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

33 18A:13-9. Each apportionment shall continue in effect unless
34 and until a reapportionment shall become necessary by reason of the
35 official promulgation of the next Federal census or the enlargement
36 of the regional district by the admission of one or more local
37 districts. In any such case, immediately after the official
38 promulgation of said census or the certification of a favorable result
39 of the election for enlargement of the regional district the **【county】**
40 regional superintendent or **【county】** regional superintendents of the
41 **【county】** region or **【counties】** regions in which the constituent
42 districts are situate shall reapportion the members accordingly but
43 all members shall continue in office for the terms for which they
44 were elected or appointed notwithstanding any reapportionment. If
45 any constituent district shall become entitled to increased
46 representation on the board the additional members shall be elected
47 at the next annual school election of the regional district. If, as a

1 result of such reapportionment, a disproportionate number of the
2 total representatives of any one constituent district to a regional
3 board are to be elected at a single annual school election, the
4 commissioner shall have the power, on petition of a constituent
5 district board of education, to alter the term of any member
6 representing such constituent district by not more than 1 year, so as
7 to temporarily apportion, as equally as possible over any given 3-
8 year period, the election of the members representing such
9 constituent district.

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

11
12 39. N.J.S.18A:13-12 is amended to read as follows:

13 18A:13-12. The board shall hold a regular meeting forthwith
14 after its first appointment, and annually thereafter on any day of the
15 first or second week following the annual school election in April,
16 at which it shall organize by the election, from among its members,
17 of a president and vice president, who shall serve until the
18 organization meeting next succeeding the election of their
19 respective successors as members of the board. In the case of a
20 regional district in which the annual school election is in
21 November, the organization meeting shall be held on any day of the
22 first week in January. If any board shall fail to organize within the
23 designated period, the **【executive county】** regional superintendent
24 of the **【county】** region, or the **【executive county】** regional
25 superintendents of the **【counties】** regions, in which the constituent
26 districts are situate, shall appoint, from among the members of the
27 board, a president and vice president to serve until the organization
28 meeting next succeeding the next election.

29 (cf: P.L.2011, c.202, s.10)

30
31 40. N.J.S.18A:13-33 is amended to read as follows:

32 18A:13-33. Whenever the board of education of a regional
33 district and the commissioner or his representative, shall, after
34 consultation, study and investigation, determine that it is advisable
35 to add to the purposes for which the regional district was created,
36 one or more of the purposes for which such a district may be
37 created as provided in this chapter, the regional board shall by
38 resolution frame and adopt a proposal to that effect and submit to
39 the voters of the regional district at any school election held
40 therein, the question, whether or not said proposal shall be
41 approved, briefly describing the contents thereof and stating the
42 date of its adoption by the regional board of education, and if, at
43 said election, said proposal is adopted by a majority of the votes
44 cast thereon in the regional district, the secretary of the regional
45 district shall certify to the **【county】** regional superintendent of each
46 **【county】** region in which any of the constituent districts of the
47 regional district is situate, and to the commissioner, the result of
48 said election and thereafter the regional board of education shall be

1 authorized to carry out such additional purpose or purposes.

2 If the proposal to add additional purposes will convert the
3 regional district from a limited purpose regional district to an all
4 purpose regional district, the proposal shall be submitted to the
5 voters of each of the constituent districts of the regional district
6 instead of at large to the voters of the regional district.

7 If the boards of education of a regional district, and of each local
8 district, proposing to join therewith to enlarge said regional district,
9 and the commissioner or his representative, shall, after consultation,
10 study and investigation, determine by resolution so to add to the
11 purpose or purposes of the regional district, the authorization of the
12 adoption of such additional purpose or purposes shall be included
13 by resolution in the proposal to enlarge said regional district and
14 shall be so submitted to the voters of the regional district and of
15 each proposed new constituent district at the election to be held in
16 relation to the enlargement of said regional district.

17 (cf: N.J.S.18A:13-33)

18

19 41. N.J.S.18A:13-35 is amended to read as follows:

20 18A:13-35. The secretary of each local district, so proposed to
21 be included in the proposed regional district, shall certify to the
22 **【county】 regional** superintendent of the **【county,】 region** in which
23 such district is situate, within 5 days after such election, the results
24 of the election held therein for the creation of a regional district,
25 showing the number of votes cast for, and the number cast against,
26 the adoption of the proposal to create such a regional district
27 submitted therein, in each municipality in his district and each
28 **【county】 regional** superintendent of a **【county,】 region** in which
29 any such municipality or municipalities are situate, shall canvass
30 the vote cast in each such municipality and if such **【county】**
31 **regional** superintendent or superintendents shall determine from
32 such certificates that a majority of the votes cast for and against the
33 proposal submitted at said election were cast for its adoption in a
34 consolidated district or in each such municipality other than a
35 constituent of a consolidated district, he or they shall immediately
36 certify to the board of education of each such local district, the
37 result of such vote as so determined and the regional school district
38 shall be created and any other provisions included in such proposal
39 in accordance with the provisions of this chapter shall become
40 effective on the twentieth day following the day of such election.

41 (cf: P.L.1968, c.240, s.2)

42

43 42. N.J.S.18A:13-36 is amended to read as follows:

44 18A:13-36. The **【county】 regional** superintendent or **【county】**
45 **regional** superintendents of any **【county】 region** or **【counties,】**
46 **regions** in which such newly created regional district is situate,
47 shall calculate and apportion the membership of the board of
48 education of such newly created regional district in accordance with

1 the provisions of section 18A:13-8 and if such regional district is
2 an all purpose regional district such membership shall be
3 apportioned among the municipalities included within the districts
4 according to the number of their inhabitants, as apportionment is
5 made among constituent districts forming a limited purpose regional
6 district, and the members shall be elected or appointed in
7 accordance with such apportionment.

8 (cf: N.J.S.18A:13-36)

9

10 43. N.J.S.18A:13-37 is amended to read as follows:

11 18A:13-37. The **【county】** regional superintendent of each
12 **【county】** region in which there is located any constituent district of
13 a newly created regional district shall appoint from among the
14 citizens of each constituent district in his **【county】** region ,
15 qualified as required by sections 18A:12-1 and 18A:13-7 of this
16 title, the number of members of the board of education of the
17 regional district requisite to represent such constituent district and
18 all of the members so appointed shall constitute the first board of
19 education of the regional district.

20 (cf: N.J.S.18A:13-37)

21

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

23 18A:13-38. The **【county】** regional superintendent or **【county】**
24 regional superintendents appointing the first board of education of a
25 regional district shall allocate the initial elective terms for the first
26 elective members of said board in the following manner:

27 (1) In regional districts having nine members, three members
28 shall be elected for three years, three for two years and three for one
29 year, which terms shall be allocated to the constituent districts to
30 the extent of apportioned membership on the regional board of
31 education, starting with the allocation of the terms of three years, by
32 allocating one of such terms to each of the constituent districts in
33 the alphabetical order of the names of such districts, and continuing
34 then still in such order with allocation of the terms of two years
35 and with allocation of the terms of one year.

36 (2) In regional districts in which there are more than nine
37 constituent school districts, the allocation for the tenth district shall
38 be a term of three years, for the eleventh district a term of two
39 years, and for the twelfth district a term of one year, with
40 continuation of such rotation until provision has been made for
41 allocation of the terms to all districts.

42 In any regional district in which the constituent districts have
43 been or will be dissolved, said allocation shall be made among the
44 municipalities included within the regional district in the manner
45 hereinbefore provided for allocation among the constituent districts.

46 The **【county】** regional superintendent or **【county】** regional
47 superintendents shall notify the board, when it shall have been
48 organized, of the allocation of initial elective terms for its members

1 as so made.
2 (cf: N.J.S.18A:13-38)

3
4 45. N.J.S.18A:13-44 is amended to read as follows:
5 18A:13-44. The secretary of the regional district and of each
6 local district, which is included in the proposal to enlarge the
7 regional district, shall certify to the **【county】 regional**
8 superintendent of the **【county】 region** in which such district is
9 situate, within five days after such election, the result of the
10 election in his district showing the number of votes cast for, and
11 the number cast against, the adoption of such proposal and such
12 **【county】 regional** superintendent or **【county】 regional**
13 superintendents shall canvass the vote and if he or they shall
14 determine from such certificates that such proposal was adopted in
15 the regional school district and in each proposed constituent
16 district, he or they shall notify the board of education of the
17 regional district and of each proposed constituent district, and the
18 commissioner, accordingly and the enlargement of the regional
19 district, by the admission thereto of the proposed constituent
20 district or districts, and any other provisions included in such
21 proposal in accordance with the provisions of this chapter shall
22 become effective on the twentieth day following the day of said
23 election.

24 (cf: N.J.S.18A:13-44)

25
26 46. N.J.S.18A:13-46 is amended to read as follows:
27 18A:13-46. The **【executive county】 regional** superintendent of
28 the **【county】 region** in which any new constituent district of an
29 enlarged regional district shall be situate shall, not later than 30
30 days after the election for the enlargement thereof, appoint one
31 member of the enlarged board of education of the regional district
32 from among the qualified citizens of each such new constituent
33 district and the members so appointed shall serve until the first
34 Monday succeeding the first annual April school election of the
35 enlarged regional district and their successors shall be elected at
36 said election. In the case of a regional district in which the annual
37 school election is in November, the members so appointed shall
38 serve until the first week in January next succeeding the first annual
39 November school election of the enlarged regional district and their
40 successors shall be elected at that election. If by reason of the
41 enlargement of the district it becomes necessary to reapportion the
42 membership of the enlarged board of education the **【executive**
43 **county】 regional** superintendent or superintendents of the **【county】**
44 **region** or **【counties】 regions** in which the constituent local districts
45 of the enlarged district are situate shall reapportion the membership
46 of the enlarged board of education in accordance with the
47 provisions of sections 18A:13-8 and 18A:13-36, and at the same

1 time shall designate the number of members to be elected from each
2 constituent school district at the succeeding annual school election
3 to be held therein upon the expiration of the terms of office of the
4 members of the regional board then in office, in such manner that
5 the representation of the constituent districts shall be established in
6 accordance with such reapportionment at the earliest possible time
7 but the members then in office shall continue in office for the terms
8 for which they were elected or appointed notwithstanding such
9 reapportionment.
10 (cf: P.L.2011, c.202, s.16)

11
12 47. Section 1 of P.L.1975, c.360 (C.18A:13-51) is amended to
13 read as follows:

14 1. The board of education of any local school district
15 constituting part of a limited purpose regional school district or the
16 governing body of the municipality constituting a constituent
17 district may, by resolution, apply to the **【county】 regional**
18 superintendent of schools to make an investigation as to the
19 advisability of withdrawal of such local district from the regional
20 district.

21 A majority of the boards of education of the school districts
22 which constitute a limited purpose regional school district and a
23 majority of the governing bodies of the municipalities which
24 constitute the constituent school districts of a limited purpose
25 regional school district may, by separate resolutions, apply to the
26 **【county】 regional** superintendent of schools to make an
27 investigation as to the advisability of the dissolution of the regional
28 district.

29 Within 21 days following adoption of the resolution or
30 resolutions required pursuant to this section, the **【county】 regional**
31 superintendent shall call a meeting of representatives of each
32 constituent governing body, each board of education constituting
33 part of the regional district, and the board of education of the
34 regional district to review the procedures to be followed for the
35 withdrawal from, or dissolution of, the limited purpose regional
36 district. This meeting, however, may be called by the **【county】**
37 **regional** superintendent prior to the adoption of the required
38 resolutions.

39 (cf: P.L.1993, c.255, s.1)

40
41 48. Section 2 of P.L.1975, c.360 (C.18A:13-52) is amended to
42 read as follows:

43 2. The **【executive county】 regional** superintendent shall, within
44 60 days after such request, file with the governing bodies of the
45 municipalities constituting the regional district and the boards of
46 education of all of the constituent school districts and the board of
47 education of the regional school district a report containing a
48 statement of the current assets and operating expenses of the

1 regional district for the then current year and such financial,
2 educational and other information as he may deem necessary to
3 enable said governing bodies and local boards of education and
4 regional board of education to form an intelligent judgment as to
5 the advisability of the proposed withdrawal or dissolution and the
6 effect thereof upon the educational and financial condition of the
7 withdrawing district and the regional district, or upon each of the
8 constituent districts in the event of a dissolution and setting forth
9 the amount of indebtedness, if any, to be assumed by the
10 withdrawing and the regional districts, or by each constituent
11 district in the event of a dissolution, calculated as hereinafter
12 provided. The report, in discussing the educational and financial
13 effect of the withdrawal or dissolution, shall include the effect
14 thereof upon the administrative and operational efficiencies, and the
15 resultant cost savings or cost increases, in the withdrawing and the
16 regional districts, or by each constituent district in the event of a
17 dissolution.

18 The **【executive county】** regional superintendent may require the
19 constituent municipalities and school districts and the regional
20 district to submit a feasibility study in order to determine the
21 educational and financial impact of the withdrawal from, or
22 dissolution of, the limited purpose regional district. In the event the
23 **【executive county】** regional superintendent requests a feasibility
24 study to be conducted, the **【executive county】** regional
25 superintendent's report required pursuant to this section shall be
26 filed within 60 days following submission of the feasibility study.
27 (cf: P.L.2007, c.63, s.52)

28
29 49. Section 3 of P.L.1975, c.360 (C.18A:13-53) is amended to
30 read as follows:

31 3. The **【county】** regional superintendent shall calculate the
32 amount of indebtedness relating to buildings, grounds, furnishings,
33 equipment and additions thereto so to be assumed on the basis of
34 the proportion which the replacement cost of the buildings, grounds,
35 furnishings, equipment, and additions thereto of the regional district
36 situated in the withdrawing district, or in each of the constituent
37 districts in the event of a dissolution, bears to the replacement cost
38 of the buildings, grounds, furnishings, equipment and additions
39 thereto situated in the entire regional district. Said replacement cost
40 shall be determined according to rules prescribed by the
41 commissioner with the approval of the State board and in
42 accordance with recognized accounting practices. The **【county】**
43 regional superintendent shall also calculate the amount of all other
44 indebtedness and unfunded liabilities to be so assumed on an
45 equitable basis.

46 (cf: P.L.1993, c.255, s.3)

47

48 50. Section 4 of P.L.1975, c.360 (C.18A:13-54) is amended to

1 read as follows:

2 4. The municipal governing body or the board of education of
3 the withdrawing district or the municipal governing body and the
4 board of education of each constituent district seeking dissolution
5 may, within 30 days after the filing of the report by the **【county】**
6 regional superintendent, petition the commissioner for permission
7 to submit to the legal voters of the withdrawing district and the
8 remaining districts within the regional district the question whether
9 or not it shall so withdraw or in the event of a dissolution to submit
10 to the legal voters of each constituent district whether the regional
11 district shall dissolve. The board may request in the petition any
12 specific reduction or increase in the amount of indebtedness to be
13 assumed as set forth in the **【county】** regional superintendent's
14 report. Proof of the service of a copy of the petition upon the
15 municipal governing body and the board of education of each
16 constituent district, the board of education of the regional district,
17 and the **【county】** regional superintendent, prior to the filing of the
18 petition, shall accompany the petition.

19 (cf: P.L.1993, c.255, s.4)

20

21 51. Section 5 of P.L.1975, c.360 (C.18A:13-55) is amended to
22 read as follows:

23 5. The governing body of any municipality constituting a
24 constituent district or the board of education of any such constituent
25 district and the board of education of the regional district shall,
26 within 15 days after service of a copy of the petition upon it, file an
27 answer thereto with the commissioner and serve a copy of such
28 answer upon the board of education of every other constituent
29 district and of the regional district and the **【county】** regional
30 superintendent. The answer shall set forth matters similar to those
31 described in section 6 of this act.

32 (cf: P.L.1975, c.360, s.5)

33

34 52. Section 7 of P.L.1975, c.360 (C.18A:13-57) is amended to
35 read as follows:

36 7. If the application be granted, the **【county】** regional
37 superintendent shall, after conferring with the boards of education
38 of the constituent districts, fix a day and a time on said day for
39 holding a special school election, at which time the question
40 whether or not the withdrawing school district shall withdraw from
41 the regional district or whether the regional district shall be
42 dissolved, whichever shall be applicable, shall be submitted to the
43 legal voters of the withdrawing district and to the legal voters
44 within the remainder of the regional district or to the legal voters of
45 each of the constituent districts in the event of a dissolution.

46 (cf: P.L.1993, c.255, s.6)

47

48 53. Section 8 of P.L.1975, c.360 (C.18A:13-58) is amended to

1 read as follows:

2 8. The amount of indebtedness to be assumed by the
3 withdrawing district or by each of the constituent districts in the
4 event of a dissolution and the effect of such indebtedness upon the
5 borrowing margin of the municipality, the withdrawing district, the
6 remaining districts, and the remaining municipalities within the
7 regional district, or by each of the constituent districts and
8 municipalities within the regional district in the event of a
9 dissolution, shall be stated in the notices and advertisements of the
10 special school election and in the ballots to be used therein, and said
11 election shall be conducted and the results thereof determined in the
12 manner prescribed by law for special school elections in type II
13 districts. The result shall be certified within five days after the
14 holding of the election to the **【county】 regional** superintendent and
15 to the boards of education of the withdrawing district, the regional
16 district and the constituent districts within the regional district, or to
17 the boards of education of each of the constituent districts in the
18 event of a dissolution.

19 (cf: P.L.1993, c.255, s.7)

20

21 54. Section 10 of P.L.1975, c.360 (C.18A:13-60) is amended to
22 read as follows:

23 10. The members of the board of education of the regional
24 district shall continue in office until the withdrawal of the district or
25 the dissolution of the regional district has become effective. When
26 a withdrawal has taken effect, the terms of those members of the
27 regional board who reside in the withdrawing district shall
28 thereupon expire, and the vacancies so occurring shall be
29 reapportioned among the remaining districts and filled by
30 appointment by the **【county】 regional** superintendent to serve until
31 the next annual school election of the regional district, at which
32 time their successors shall be elected in accordance with such
33 reapportionment.

34 (cf: P.L.1993, c.255, s.9)

35

36 55. Section 11 of P.L.1975, c.360 (C.18A:13-61) is amended to
37 read as follows:

38 11. The withdrawing district and the remaining districts, or each
39 constituent district in the event of a dissolution, shall take title to
40 and control of all school grounds and buildings, and the furnishings
41 and equipment therein, other than those which had been rotated or
42 shared among the regional schools, situated in their respective
43 districts on the effective date of withdrawal or dissolution as
44 established by the commissioner. The **【county】 regional**
45 superintendent shall allot a fair proportion of the shared or rotated
46 furnishings and equipment to the withdrawing district or to each of
47 the constituent districts in the event of a dissolution.

48 Upon the assumption of title, each board shall also assume such

1 amount of the indebtedness of the original regional school district
2 as shall have been determined by the board of review. In the event
3 of a withdrawal, the withdrawing district shall pay to the regional
4 board of education, at least five days before it becomes due, the
5 amount of the principal and interest of the assumed indebtedness;
6 such principal and interest shall be paid by the regional board,
7 together with such amount due on its assumed indebtedness, at and
8 when it becomes due and payable. In the event of a dissolution, the
9 **【county】 regional** superintendent and board of review, in
10 determining the amount of indebtedness to be assumed by each
11 constituent district, shall give due regard to the value of school
12 buildings and grounds being conveyed to the constituent district in
13 which those buildings and grounds are located.

14 (cf: P.L.1993, c.255, s.10)

15

16 56. Section 12 of P.L.1975, c.360 (C.18A:13-62) is amended to
17 read as follows:

18 12. The **【county】 regional** superintendent in a written report
19 filed by him at the end of the school year preceding that in which
20 the withdrawal or dissolution becomes effective shall make a
21 division of the assets and liabilities between the withdrawing
22 district and the regional district, or among the constituent districts
23 in the event of a dissolution, in the same manner as provided in
24 N.J.S.18A:8-24.

25 (cf: P.L.1993, c.255, s.11)

26

27 57. Section 13 of P.L.1975, c.360 (C.18A:13-63) is amended to
28 read as follows:

29 13. If in the event of a withdrawal from the regional district as a
30 result of the foregoing procedures a limited purpose regional school
31 district shall be left with only one constituent local school district,
32 such regional school district shall be dissolved upon the effective
33 date of the withdrawal of the other constituent school districts, and
34 such remaining constituent municipality shall thenceforth be
35 constituted a separate local school district and governed by the laws
36 applicable thereto. If all of the local districts withdraw from the
37 regional district, such regional district shall be dissolved upon the
38 effective date of the last withdrawal, and its assets and liabilities
39 shall devolve upon the respective withdrawing districts in
40 accordance with the division made by the **【county】 regional**
41 superintendent as provided in section 12 hereof.

42 Upon the effective date of a dissolution of a regional district
43 each constituent municipality shall thenceforth be constituted a
44 separate local school district and be governed by the laws
45 applicable thereto, and its assets and liabilities shall devolve upon
46 the respective constituent districts in accordance with the division
47 made by the **【county】 regional** superintendent as provided in

1 section 12 of P.L.1975, c.360 (C.18A:13-62).
2 (cf: P.L.1993, c.255, s.12)

3

4 58. Section 1 of P.L.1989, c.90 (C.18A:13-66) is amended to
5 read as follows:

6 1. The governing body of any municipality constituting a part
7 of an all purpose regional district may, by resolution, apply to the
8 **【county】 regional** superintendent of schools to investigate the
9 advisability of the withdrawal of the municipality from the all
10 purpose regional district.

11 (cf: P.L.1989, c.90, s.1)

12

13 59. Section 2 of P.L.1989, c.90 (C.18A:13-67) is amended to
14 read as follows:

15 2. The **【county】 regional** superintendent shall, within 60 days
16 after the request, file with the governing bodies of the
17 municipalities constituting the all purpose regional district and the
18 board of education of the all purpose regional school district, a
19 report containing a statement of the current assets and operating
20 expenses of the all purpose regional district for the current year and
21 any financial, educational and other information that he may deem
22 necessary to enable the governing bodies and the regional board of
23 education to form an intelligent judgment as to the advisability of
24 the proposed withdrawal and its effect upon the educational and
25 financial condition of the withdrawing municipality and the all
26 purpose regional district and setting forth the amount of
27 indebtedness, if any, to be assumed by the withdrawing
28 municipality and the all purpose regional district, calculated as
29 hereinafter provided.

30 (cf: P.L.1989, c.90, s.2)

31

32 60. Section 3 of P.L.1989, c.90 (C.18A:13-68) is amended to
33 read as follows:

34 3. The **【county】 regional** superintendent shall calculate the
35 amount of indebtedness to be assumed on the basis of the
36 proportion which the replacement cost of the buildings, grounds,
37 furnishings, equipment, and additions thereto of the all purpose
38 regional district situated in the withdrawing municipality bears to
39 the replacement cost of the buildings, grounds, furnishings,
40 equipment and additions thereto situated in the entire all purpose
41 regional district. The replacement cost shall be determined
42 according to rules prescribed by the Commissioner of Education
43 with the approval of the State board and in accordance with
44 recognized accounting practices.

45 (cf: P.L.1989, c.90, s.3)

46

47 61. Section 4 of P.L.1989, c.90 (C.18A:13-69) is amended to
48 read as follows:

1 4. The governing body of the withdrawing municipality may,
2 within 30 days after the filing of the report by the **【county】 regional**
3 superintendent, petition the commissioner for permission to submit
4 to the legal voters of the withdrawing municipality and the
5 remaining municipalities within the all purpose regional district the
6 question whether or not it shall withdraw from the all purpose
7 regional district, and in the petition the governing body may request
8 any specific reduction or increase in the amount of indebtedness to
9 be assumed as set forth in the **【county】 regional** superintendent's
10 report. Proof of the service of a copy of the petition upon the
11 municipal governing body of each constituent municipality, the
12 board of education of the all purpose regional district, and the
13 **【county】 regional** superintendent, prior to the filing of the petition,
14 shall accompany the petition.

15 (cf: P.L.1989, c.90, s.4)

16

17 62. Section 5 of P.L.1989, c.90 (C.18A:13-70) is amended to
18 read as follows:

19 5. The governing body of any constituent municipality of the
20 all purpose regional district and the board of education of the all
21 purpose regional district shall, within 15 days after service of a
22 copy of the petition upon it, file an answer to the petition with the
23 commissioner and serve a copy of the answer upon the governing
24 body of every other constituent municipality and upon the board of
25 education of the all purpose regional district and the **【county】**
26 **regional** superintendent. The answer shall set forth matters similar
27 to those described in section 6 of this act.

28 (cf: P.L.1989, c.90, s.5)

29

30 63. Section 7 of P.L.1989, c.90 (C.18A:13-72) is amended to
31 read as follows:

32 7. If the application is granted, the **【county】 regional**
33 superintendent shall, after conferring with the governing bodies of
34 the constituent municipalities of the regional district, fix a day and a
35 time for holding a special school election, at which time the
36 question whether or not the withdrawing municipality shall
37 withdraw from the all purpose regional district shall be submitted to
38 the legal voters of the withdrawing municipality and to the legal
39 voters within the remainder of the all purpose regional district.

40 (cf: P.L.1989, c.90, s.7)

41

42 64. Section 8 of P.L.1989, c.90 (C.18A:13-73) is amended to
43 read as follows:

44 8. The amount of indebtedness to be assumed by the
45 withdrawing municipality and the effect of the indebtedness upon
46 the borrowing margin of the municipality and the remaining
47 municipalities within the all purpose regional district shall be stated
48 in the notices and advertisements of the special school election and

1 in the ballots to be used therein, and the election shall be conducted
2 and the results of the election shall be determined in the manner
3 prescribed by law for special school elections in type II districts.
4 The result shall be certified within five days after the holding of the
5 election to the **【county】 regional** superintendent, the governing
6 bodies of the withdrawing municipality and the constituent
7 municipalities of the all purpose regional district, and the board of
8 education of the all purpose regional district.

9 (cf: P.L.1989, c.90, s.8)

10

11 65. Section 10 of P.L.1989, c.90 (C.18A:13-75) is amended to
12 read as follows:

13 10. The members of the board of education of the all purpose
14 regional district shall continue in office until the withdrawal of the
15 municipality becomes effective. When the withdrawal takes effect,
16 the terms of those members of the regional board who reside in the
17 withdrawing municipality shall expire, and the vacancies occurring
18 shall be reapportioned among the remaining municipalities and
19 filled by appointment by the **【county】 regional** superintendent to
20 serve until the next annual school election of the all purpose
21 regional district, at which time their successors shall be elected in
22 accordance with the reapportionment.

23 (cf: P.L.1989, c.90, s.10)

24

25 66. Section 11 of P.L.1989, c.90 (C.18A:13-76) is amended to
26 read as follows:

27 11. The members of the regional board who reside in the
28 withdrawing municipality shall be members of the first board of
29 education of the new district. They shall continue to serve as
30 members of the board of education of the new district until the
31 expiration of the respective terms for which they were elected as
32 members of the board of education of the all purpose regional
33 district. The number of additional members of the first board of
34 education required to complete full membership of the board shall
35 be appointed by the **【county】 regional** superintendent to serve until
36 the next annual school election or, in the case of a type I district,
37 until the next annual appointment period of the new district, at
38 which time their successors shall be elected or appointed.

39 (cf: P.L.1989, c.90, s.11)

40

41 67. Section 12 of P.L.1989, c.90 (C.18A:13-77) is amended to
42 read as follows:

43 12. The new district and the all purpose regional district shall
44 take title to and control of all school grounds and buildings, and the
45 furnishings and equipment therein, other than those which had been
46 rotated or shared among the regional schools, situated in their
47 respective districts on the effective date of withdrawal as
48 established by the commissioner. The **【county】 regional**

1 superintendent shall allot a fair proportion of the shared or rotated
2 furnishings and equipment to the new district.

3 Upon the assumption of title, each board shall also assume the
4 amount of the indebtedness of the original all purpose regional
5 district as determined by the board of review. The new district shall
6 pay to the regional board of education, at least five days before it
7 becomes due, the amount of the principal and interest of the
8 assumed indebtedness. The principal and interest shall be paid by
9 the regional board, together with the amount due on its assumed
10 indebtedness, as and when it becomes due and payable.

11 (cf: P.L.1989, c.90, s.12)

12

13 68. Section 13 of P.L.1989, c.90 (C.18A:13-78) is amended to
14 read as follows:

15 13. The **【county】 regional** superintendent in a written report
16 filed by him at the end of the school year preceding that in which
17 the withdrawal becomes effective shall make a division of the assets
18 and liabilities between the new district and the remaining district in
19 the same manner as provided in N.J.S.18A:8-24.

20 (cf: P.L.1989, c.90, s.13)

21

22 69. Section 14 of P.L.1989, c.90 (C.18A:13-79) is amended to
23 read as follows:

24 14. If as a result of the foregoing procedures an all purpose
25 regional district is left with only one constituent municipality, the
26 all purpose regional district shall be dissolved upon the effective
27 date of the withdrawal of the other constituent municipalities, and
28 the remaining constituent municipality shall thenceforth be
29 constituted a separate local school district and governed by the laws
30 applicable thereto. If all of the municipalities withdraw from the all
31 purpose regional district, the all purpose regional district shall be
32 dissolved upon the effective date of the last withdrawal, and its
33 assets and liabilities shall devolve upon the respective withdrawing
34 municipalities in accordance with the division made by the
35 **【county】 regional** superintendent as provided in section 13 of this
36 act.

37 (cf: P.L.1989, c.90, s.14)

38

39 70. N.J.S.18A:15-1 is amended to read as follows:

40 18A:15-1. At its first regular meeting each board shall organize
41 by electing one of its members as president and another as vice
42 president, who shall serve for one year and until their respective
43 successors are elected and shall qualify, but if the board shall fail
44 to hold said meeting or to elect said officers, as prescribed by this
45 law, the **【county】 regional** superintendent shall appoint from among
46 the members of the board a president and vice president.

47 (cf: N.J.S.18A:15-1)

1 71. N.J.S.18A:15-2 is amended to read as follows:

2 18A:15-2. A president or vice president of a board of education
3 who shall refuse to perform a duty imposed upon him by this law
4 may be removed by a majority vote of all of the members of the
5 board, and in case the office of president or vice president shall
6 become vacant the board shall, within 30 days thereafter fill the
7 vacancy for the unexpired term. If the board shall fail to fill the
8 vacancy within such time, the **【county】** regional superintendent
9 shall fill the vacancy for the unexpired term.
10 (cf: N.J.S.18A:15-2)

11

12 72. N.J.S.18A:17-5 is amended to read as follows:

13 18A:17-5. Each secretary shall be appointed by the board, by a
14 recorded roll call majority vote of its full membership, for a term to
15 expire not later than June 30 , or January 15 in the case of a school
16 district in which the annual school election is in November, of the
17 calendar year next succeeding that in which the board shall have
18 been organized, but he shall continue to serve after the expiration of
19 his term until his successor is appointed and qualified. The
20 secretary may be appointed from among the members of the board
21 and, subject to the provisions of this Title and any other law, the
22 board shall fix his compensation; provided, however, that the
23 secretary shall not receive compensation from the board for any
24 period during which he is an elected or appointed member of the
25 board.

26 In case of a vacancy in the office of secretary, the vacancy shall
27 be filled by the board within 60 days after the vacancy occurs and if
28 the board does not make such appointment within such time the
29 **【executive county】** regional superintendent shall appoint a
30 secretary who shall receive the same compensation as his
31 predecessor in office received and shall serve until a secretary is
32 appointed by the board.

33 (cf: P.L.2011, c.202, s.17)

34

35 73. N.J.S.18A:17-10 is amended to read as follows:

36 18A:17-10. The secretary shall, at the close of each fiscal year,
37 present to the board a detailed report of its financial transactions
38 during such year and file such copies thereof with the **【county】**
39 regional superintendent as shall be required by the commissioner
40 and he shall also make report on or before August 1 of each year of
41 such matters, in such manner and form, as shall be prescribed by the
42 commissioner.

43 (cf: N.J.S.18A:17-10)

44

45 74. N.J.S.18A:17-14.1 is amended to read as follows:

46 18A:17-14.1. A board or the boards of two or more districts may,
47 under rules and regulations prescribed by the State board, appoint a
48 school business administrator by a majority vote of all the members

1 of the board, define his duties, which may include serving as
2 secretary of one of the boards, and fix his salary, whenever the
3 necessity for such appointment shall have been agreed to by the
4 **【county】 regional** superintendent of schools or the **【county】**
5 regional superintendents of schools of the **【counties】 regions** in
6 which the districts are situate and approved by the commissioner
7 and the State board.

8 Nothing in P.L.1996, c.111 (C.18A:17-24.1 et al.) shall prohibit
9 a school district from subcontracting its school business
10 administrator to another school district pursuant to the provisions of
11 P.L.1973, c.208 (C.40:8A-1 et al.), in which case credit toward
12 tenure acquisition shall accrue only in the primary district of
13 employment.

14 (cf: P.L.2007, c.63, s.36)

15

16 75. N.J.S.18A:17-15 is amended to read as follows:

17 18A:17-15. The board of education of a Type I district and of
18 any Type II district, now having or hereafter authorized to have a
19 superintendent of schools, may, by contract appoint, for a term of
20 not less than three nor more than five years and expiring July 1, a
21 superintendent of schools by the recorded roll call majority vote of
22 the full membership of the board.

23 A superintendent of schools may be appointed for a like term
24 also in any other Type II district or in any other two or more Type
25 II districts as follows:

26 Application for the establishment of the office of superintendent
27 of schools for a district or for two or more districts which determine
28 to share a superintendent shall be made to the **【county】 regional**
29 superintendent of the **【county】 region** or the **【county】 regional**
30 superintendent of each of the **【counties】 regions** in which such
31 district or districts are situate and if said application is agreed to in
32 writing by such **【county】 regional** superintendent or **【county】**
33 regional superintendents and shall be approved by the commissioner
34 and the State board, the board of education of such a district so
35 applying may appoint a superintendent of schools for a single
36 district in the manner hereinbefore provided or may appoint a
37 superintendent for two or more districts in the manner provided by
38 section 4 of P.L.1996, c.111 (C.18A:17-24.1).

39 (cf: P.L.1996, c.111, s.2)

40

41 76. N.J.S.18A:17-21 is amended to read as follows:

42 18A:17-21. Each superintendent of schools shall render to the
43 commissioner and to the **【county】 regional** superintendent of
44 schools having jurisdiction over the district a report of such matters
45 relating to the schools, under his supervision as shall be required
46 by the commissioner, and in the manner and form prescribed by

1 him, on or before August 1 of each year.
2 (cf: N.J.S.18A:17-21)

3

4 77. Section 4 of P.L.1996, c.111 (C.18A:17-24.1) is amended to
5 read as follows:

6 4. The boards of education of two or more school districts may
7 share a superintendent or a school business administrator, or both.
8 A shared superintendent or business administrator shall be subject
9 to the same rules governing eligibility for employment as are
10 superintendents or business administrators of a single district. The
11 decision to share a school business administrator shall be made
12 jointly by the boards of education of the districts, in consultation
13 with the superintendents of the respective districts, subject to the
14 final approval of the Commissioner of Education. The decision to
15 share a superintendent shall be made jointly by the boards of
16 education of the districts, subject to the final approval of the
17 Commissioner of Education. The procedure shall be as follows:

18 a. Should two or more districts, after careful study and
19 opportunity for community input, decide to share a superintendent
20 or school business administrator, the districts shall mutually prepare
21 a report for submission to the **【county】 regional** superintendent or
22 **【county】 regional** superintendents if the districts are in different
23 **【counties】 regions**. The report shall outline the anticipated
24 advantages to the districts and the feasibility of a shared
25 arrangement. The report shall set forth a plan explaining how the
26 shared arrangement will operate, and shall also address such items
27 as community support for the arrangement, effect on services to the
28 respective districts, division of the superintendent's or business
29 administrator's time between the districts, availability of
30 administrative backup, likelihood of situations creating conflict of
31 interest, and financial advantages of the arrangement.

32 b. The **【county】 regional** superintendent or superintendents
33 shall review the plan and forward a recommendation to the
34 Commissioner of Education who shall approve or disapprove the
35 plan.

36 (cf: P.L.1996, c.111, s.4)

37

38 78. Section 5 of P.L.1996, c.111 (C.18A:17-24.2) is amended to
39 read as follows:

40 5. Any boards obtaining the approval of the Commissioner of
41 Education may contract with one another for the sharing of a
42 superintendent or school business administrator. The contract shall
43 be in writing and shall address the responsibilities of each district
44 under the sharing relationship, including the apportionment of costs.
45 The agreement shall be made contingent upon the districts' mutual
46 agreement on a candidate to fill the shared position and shall be
47 conterminous with the superintendent's or business administrator's
48 employment contract. A candidate for the position of

1 superintendent shall hold the standard certificate of school
2 administrator and a candidate for the position of school business
3 administrator shall hold the standard certificate of school business
4 administrator.

5 a. The school districts shall together agree on how the initial
6 costs of sharing a superintendent or business administrator shall be
7 apportioned, which apportionment shall be expressed as a
8 percentage for each district, and shall include the cost of salaries
9 and benefits.

10 b. At least one year prior to the expiration of the first or any
11 subsequent contract between school boards sharing a superintendent
12 or business administrator, a board wishing to terminate the contract
13 shall notify, in writing, the other board or boards and the
14 superintendent or business administrator, that it wishes to terminate
15 the contract.

16 c. Should a board give a notice of termination, the contract
17 between the boards shall be terminated at the expiration of that term
18 and the superintendent or business administrator shall not be
19 reappointed by the joint boards at the end of the current term.
20 However, the termination shall not preclude a board from
21 reemploying the superintendent or business administrator on an
22 individual basis.

23 d. Upon the expiration of a contract between school boards
24 sharing a superintendent or business administrator, the boards shall
25 submit a report to the **【county】** regional superintendent or
26 superintendents, which shall include an evaluation of the sharing
27 relationship and the feasibility of voluntarily forming a regional
28 district.

29 (cf: P.L.1996, c.111, s.5)

30

31 79. Section 11 of P.L.1996, c.111 (C.18A:17-24.8) is amended
32 to read as follows:

33 11. The **【county】** regional superintendent or superintendents if
34 the districts are in different **【counties】** regions shall serve as a
35 mediator for any disputes arising over the interpretation of the
36 contract between the boards of education sharing a superintendent
37 or a school business administrator.

38 (cf: P.L.1996, c.111, s.11)

39

40 80. N.J.S.18A:17-36 is amended to read as follows:

41 18A:17-36. The treasurer shall render to the board monthly, and
42 at such other times as shall be requested by the board, reports
43 giving a detailed account of all receipts, the amounts of all warrants
44 signed by him since the date of his last report and the accounts
45 against which, and the purposes for which, the warrants were
46 drawn and the balance to the credit of each account, and at the close
47 of the school year and not later than August 1 of each year he shall
48 render an annual report showing the amounts received and

1 disbursed by him for school purposes during said year, a duplicate
2 whereof shall be filed with the **【county】 regional** superintendent,
3 and shall also report to the **【county】 regional** superintendent in the
4 manner and form prescribed by the commissioner.

5 (cf: P.L.1981, c.174, s.9)

6

7 81. N.J.S.18A:17-43 is amended to read as follows:

8 18A:17-43. (a) The commissioner may, in accordance with rules
9 and regulations promulgated pursuant to this article and upon a
10 finding of need therefor, authorize any board of education to
11 employ, subject to the provisions of Title 11, Civil Service, of the
12 Revised Statutes, one or more public school law enforcement
13 officers, and to station such public school law enforcement officers
14 in public schools of this state during hours when said public schools
15 are normally in session or are occupied by public school students or
16 their teachers.

17 (b) No such public school law enforcement officer shall be
18 employed, except upon the application of a board of education and
19 with the approval of the **【county】 regional** superintendent.

20 (cf: N.J.S.18A:17-43)

21

22 82. N.J.S.18A:18A-14 is amended to read as follows:

23 18A:18A-14. In the event that any controversy or dispute shall
24 arise among the parties (except a municipality or county) to any
25 such contract, the same shall be referred to the **【county】 regional**
26 superintendent of the **【county】 region** in which the districts are
27 situate for determination and his determination thereon shall be
28 binding, subject to appeal to the commissioner and the State board
29 pursuant to law. In the event that the districts are in more than one
30 **【county】 region**, the controversy or dispute shall be referred to the
31 **【county】 regional** superintendents of the **【counties】 regions** for
32 joint determination, and if they shall be unable to agree upon a joint
33 determination within 30 days, the controversy or dispute shall be
34 referred to the commissioner for determination.

35 (cf: P.L.1999, c.440, s.62)

36

37 83. Section 2 of P.L.1979, c.294 (C.18A:22-8.1) is amended to
38 read as follows:

39 2. Except as otherwise provided pursuant to this section,
40 whenever a school district desires to transfer amounts among line
41 items and program categories, the transfers shall be by resolution of
42 the board of education approved by a two-thirds affirmative vote of
43 the authorized membership of the board; however, a board may, by
44 resolution, designate the chief school administrator to approve such
45 transfers as are necessary between meetings of the board. Transfers
46 approved by the chief school administrator shall be reported to the
47 board, ratified and duly recorded in the minutes at a subsequent

1 meeting of the board, but not less than monthly. Transfers of
2 surplus amounts or any other unbudgeted or underbudgeted revenue
3 to line items and program categories shall require the approval of
4 the Commissioner of Education and shall only be approved between
5 April 1 and June 30 for line items and program categories necessary
6 to achieve the thoroughness standards established pursuant to
7 section 4 of P.L.2007, c.260 (C.18A:7F-46); except that upon a
8 two-thirds affirmative vote of the authorized membership of a board
9 of education, the board may petition the commissioner for authority
10 to transfer such revenue prior to April 1 due to an emergent
11 circumstance and the commissioner may authorize the transfer if he
12 determines that the transfer is necessary to meet such emergency.
13 Transfers from any general fund appropriation account that, on a
14 cumulative basis, exceed 10% of the amount of the account
15 included in the school district's budget as certified for taxes shall
16 require the approval of the commissioner. In a school district
17 wherein the Commissioner of Education has directed an in-depth
18 evaluation pursuant to subsection e. of section 14 of P.L.1975,
19 c.212 (C.18A:7A-14), the board of education shall obtain the
20 written approval of the **【executive county】 regional** superintendent
21 of schools prior to implementing any board authorized transfer of
22 funds.

23 (cf: P.L.2007, c.260, s.53)

24

25 84. N.J.S.18A:22-26 is amended to read as follows:

26 18A:22-26. a. Except as otherwise provided in subsection b. of
27 this section, at or after the public hearing but not later than April 8,
28 the board of school estimate of a type II district having a board of
29 school estimate shall fix and determine by a recorded roll call
30 majority vote of its full membership the amount of money necessary
31 to be appropriated for the use of the public schools in the district for
32 the ensuing school year, exclusive of the amount which shall be
33 apportioned to it by the commissioner for the year pursuant to the
34 provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall
35 make a certificate of the amount signed by at least a majority of all
36 members of the board, which shall be delivered to the board of
37 education and a copy thereof, certified under oath to be correct and
38 true by the secretary of the board of school estimate, shall be
39 delivered to the county board of taxation on or before April 15 in
40 each year and a duplicate of the certificate shall be delivered to the
41 board or governing body of each of the municipalities within the
42 territorial limits of the district having the power to make
43 appropriations of money raised by taxation in the municipalities or
44 political subdivisions and to the **【executive county】 regional**
45 superintendent of schools and the amount shall be assessed, levied
46 and raised under the procedure and in the manner provided by law
47 for the levying and raising of special school taxes in other type II

1 districts and shall be paid to the board secretary or treasurer of
2 school moneys, as appropriate, of the district for such purposes.

3 Within 15 days after receiving the certificate the board of
4 education shall notify the board of school estimate, the governing
5 body of each municipality within the territorial limits of the school
6 district, and the commissioner if it intends to appeal to the
7 commissioner the board of school estimate's determination as to the
8 amount of money requested pursuant to the provisions of section 5
9 of P.L.1996, c.138 (C.18A:7F-5), necessary to be appropriated for
10 the use of the public schools of the district for the ensuing school
11 year.

12 b. At or after the public hearing on the budget but not later than
13 May 14, the board of education of each type II district having a
14 board of school estimate in which the annual school election is in
15 November, shall fix and determine by a recorded roll call majority
16 vote of its full membership the amount of money necessary to be
17 raised for the use of the public schools in the district, exclusive of
18 the amount which shall be apportioned to it by the commissioner for
19 the year pursuant to the provisions of section 5 of P.L.1996, c.138
20 (C.18A:7F-5). By that same date the board of school estimate shall
21 fix and determine by a recorded roll call majority vote of its full
22 membership the amount of any additional funds pursuant to
23 paragraph (9) of subsection d. of section 5 of P.L.1996, c.138
24 (C.18A:7F-5) and shall make a certificate of that amount signed by
25 at least a majority of all members of the board, which shall be
26 delivered to the board of education. The secretary of the board of
27 education shall certify the amount so fixed and determined by the
28 board of education and the board of school estimate and shall
29 deliver a copy of the certificate to the county board of taxation of
30 the county on or before May 19 in each year and a duplicate of the
31 certificate shall be delivered to the board or governing body of each
32 of the municipalities within the territorial limits of the districts
33 having the power to make appropriations of money raised by
34 taxation in the municipalities or political subdivisions and to the
35 **[executive county]** regional superintendent of schools and the
36 amount shall be assessed, levied and raised under the procedure and
37 in the manner provided by law for the levying and raising of special
38 school taxes in other type II districts and shall be paid to the board
39 secretary or treasurer of school moneys, as appropriate, of the
40 district for such purposes.

41 (cf: P.L.2013, c.280, s.4)

42

43 85. N.J.S.18A:22-31 is amended to read as follows:

44 18A:22-31. In any district in which the amounts to be raised,
45 levied and collected by taxes for school purposes are fixed and
46 determined by a board of school estimate, the secretary of the board
47 of education shall certify the amounts so estimated to be necessary
48 for said purposes, itemizing the same so as to make the same readily

1 understandable, to each member of the board of school estimate of
2 the district and said board of school estimate shall meet within
3 seven days after the delivery of said certificates and by a recorded
4 roll call majority vote of its full membership, shall fix and
5 determine the amounts necessary to be raised for said purposes,
6 and the secretary of said board shall certify, within five days, said
7 amounts to the board of education, to the board or body of each
8 municipality situate within the district which has power to make
9 appropriations of money to be raised by taxes in such municipality,
10 to the county board of taxation and to the **【county】 regional**
11 superintendent of schools.

12 (cf: N.J.S.18A:22-31)

13

14 86. N.J.S.18A:25-5 is amended to read as follows:

15 18A:25-5. The teacher in any school in which but one teacher is
16 employed and the principal in every other school shall file with the
17 superintendent of schools of the district, if there be one, otherwise
18 with the **【county】 regional** superintendent, at the time of the closing
19 of the school for the summer vacation or of leaving school before
20 the end of the school year, an annual report on blanks furnished for
21 that purpose by the commissioner. Unless such report is filed at
22 said time the last installment of salary due the teacher or principal
23 for the school year shall not be paid to him until the secretary of
24 the board of education shall have received written notice from the
25 superintendent of the district or the **【county】 regional**
26 superintendent, as the case may be, that such report has been filed.

27 (cf: N.J.S.18A:25-5)

28

29 87. N.J.S.18A:26-6 is amended to read as follows:

30 18A:26-6. No teaching staff member shall be employed in any
31 of the schools of a district having a district board of examiners
32 unless he shall be issued a certificate by said board and holds an
33 appropriate certificate issued by the state board of examiners or the
34 **【county】 regional** superintendent of schools of the **【county】 region**.

35 (cf: N.J.S.18A:26-6)

36

37 88. N.J.S.18A:26-9 is amended to read as follows:

38 18A:26-9. No certificate to teach or supervise in any of the
39 public schools of this state, and no renewal of any such certificate,
40 shall be issued to any applicant unless such applicant shall have
41 first subscribed in duplicate to the oath of allegiance and office
42 prescribed in section 41:1-3 of the Revised Statutes before an
43 officer authorized by law to administer oaths or before a **【county】**
44 **regional** superintendent or the president or secretary of a board of
45 education of this state and until one copy thereof shall have been
46 filed with the **【county】 regional** superintendent and by him
47 transmitted to the commissioner. The other copy of such oath shall
48 be delivered to the applicant and by him to the board, body or

1 person employing such applicant within this state.

2 (cf: N.J.S.18A:26-9)

3

4 89. N.J.S.18A:27-8 is amended to read as follows:

5 18A:27-8. One copy of each such contract so entered into shall
6 be filed with the board, one copy with the person employed
7 thereunder and one copy with the superintendent of schools if there
8 be one, otherwise with the **【county】 regional** superintendent.

9 (cf: N.J.S.18A:27-8)

10

11 90. N.J.S.18A:28-11 is amended to read as follows:

12 18A:28-11. In the case of any such reduction the board of
13 education shall determine the seniority of the persons affected
14 according to such standards and shall notify each such person as to
15 his seniority status, and the board may request the commissioner
16 for an advisory opinion with respect to the applicability of the
17 standards to particular situations, which request shall be referred to
18 a panel consisting of the **【county】 regional** superintendent of the
19 **【county】 region**, the secretary of the state board of examiners and
20 an assistant commissioner of education designated by the
21 commissioner and an advisory opinion shall be furnished by said
22 panel. No determination of such panel shall be binding upon the
23 board of education or any other party in interest or upon the
24 commissioner or the state board if any controversy or dispute arises
25 as a result of such determination and an appeal is taken therefrom
26 pursuant to the provisions of this title.

27 (cf: N.J.S.18A:28-11)

28

29 91. N.J.S.18A:32-1 is amended to read as follows:

30 18A:32-1. Whenever in any county there shall have been raised
31 by subscription a sum of money not less than \$100.00 for the
32 establishment of a library of pedagogical books for the use of the
33 teachers of the public schools, the director of the treasury shall,
34 upon the order of the commissioner, draw his warrant on the state
35 treasurer in favor of the **【county】 regional** superintendent of the
36 **【county】 region** for the sum of \$100.00 for the benefit of such
37 library. Annually thereafter there shall be paid on a like order a
38 sum not less than \$50.00 nor more than \$100.00 upon condition
39 that there shall have been raised by subscription a like sum for the
40 maintenance of the library for the year.

41 (cf: N.J.S.18A:32-1)

42

43 92. N.J.S.18A:32-2 is amended to read as follows:

44 18A:32-2. The **【county】 regional** superintendent and three
45 teachers of public schools in the **【county】 region** appointed by him
46 shall constitute a committee to select and purchase books and
47 apparatus for the library, and to make rules for the management,

1 use, and safekeeping thereof.

2 (cf: N.J.S.18A:32-2)

3

4 93. N.J.S.18A:33-2 is amended to read as follows:

5 18A:33-2. When any school district shall fail to provide such
6 facilities and courses of study, the **【county】 regional** superintendent
7 shall, by order in writing, approved in writing by the commissioner
8 and transmitted to the board secretary or treasurer of school
9 moneys, as appropriate, of the district, direct the secretary or
10 treasurer to withhold further payments, for the account of the
11 district, of any moneys theretofore and thereafter received from
12 State aid until such suitable facilities and courses of study shall be
13 provided, which order shall be effective upon the date stated by the
14 commissioner in his approval thereof. The **【county】 regional**
15 superintendent shall notify the board of education of the district of
16 his action with the reasons therefor forthwith.

17 (cf: P.L.2010, c.39, s.25)

18

19 94. Section 2 of P.L.1995, c.327 (C.18A:35-22.1) is amended to
20 read as follows:

21 2. A parent or guardian may remove a pupil who is enrolled in
22 a bilingual education program at any time; except that during the
23 first three years of a pupil's participation in a bilingual education
24 program, a parent or guardian may only remove the pupil at the end
25 of each school year. If a parent or guardian wishes to remove the
26 pupil prior to the end of each school year, the removal shall be
27 approved by the **【county】 regional** superintendent of schools. If the
28 **【county】 regional** superintendent determines that the pupil should
29 remain in the bilingual education program until the end of the
30 school year, the parent may appeal the **【county】 regional**
31 superintendent's decision to the Commissioner of Education, or his
32 designee, pursuant to the provisions of section 2 of P.L.1991, c.12
33 (C.18A:35-19.2). The commissioner's decision shall be rendered
34 within 30 days of the filing of the appeal.

35 (cf: P.L.1995, c.327, s.2)

36

37 95. Section 16 of P.L.1995, c.426 (C.18A:36A-16) is amended
38 to read as follows:

39 16. a. The commissioner shall annually assess whether each
40 charter school is meeting the goals of its charter, and shall conduct
41 a comprehensive review prior to granting a renewal of the charter.
42 The **【county】 regional** superintendent of schools of the **【county】**
43 region in which the charter school is located shall have on-going
44 access to the records and facilities of the charter school to ensure
45 that the charter school is in compliance with its charter and that
46 State board regulations concerning assessment, testing, civil rights,
47 and student health and safety are being met.

48 b. In order to facilitate the commissioner's review, each charter

1 school shall submit an annual report to the local board of education,
2 the **【county】** regional superintendent of schools, and the
3 commissioner in the form prescribed by the commissioner. The
4 report shall be received annually by the local board, the **【county】**
5 regional superintendent, and the commissioner no later than August
6 1.

7 The report shall also be made available to the parent or guardian
8 of a student enrolled in the charter school.

9 c. By April 1, 2001, the commissioner shall hold public
10 hearings in the north, central, and southern regions of the State to
11 receive input from members of the educational community and the
12 public on the charter school program.

13 d. The commissioner shall commission an independent study of
14 the charter school program. The study shall be conducted by an
15 individual or entity identified with expertise in the field of
16 education and the selection shall be approved by the Joint
17 Committee on the Public Schools. The individual or entity shall
18 design a comprehensive study of the charter school program.

19 e. The commissioner shall submit to the Governor, the
20 Legislature, and the State Board of Education by October 1, 2001
21 an evaluation of the charter school program based upon the public
22 input required pursuant to subsection c. of this section and the
23 independent study required pursuant to subsection d. of this section.
24 The evaluation shall include, but not be limited to, consideration of
25 the following elements:

26 (1) the impact of the charter school program on resident
27 districts' students, staff, parents, educational programs, and
28 finances;

29 (2) the impact of the charter school program and the increased
30 number of schools on the economics of educational services on a
31 Statewide basis;

32 (3) the fairness and the impact of the reduction of available
33 resources on the ability of resident districts to promote competitive
34 educational offerings;

35 (4) the impact of the shift of pupils from nonpublic schools to
36 charter schools;

37 (5) the comparative demographics of student enrollments in
38 school districts of residence and the charter schools located within
39 those districts. The comparison shall include, but not be limited to,
40 race, gender, socioeconomic status, enrollment of special education
41 students, enrollment of students of limited English proficiency, and
42 student progress toward meeting the core curriculum content
43 standards as measured by student results on Statewide assessment
44 tests;

45 (6) the degree of involvement of private entities in the operation
46 and financial support of charter schools, and their participation as
47 members of charter school boards of trustees;

48 (7) verification of the compliance of charter schools with

- 1 applicable laws and regulations;
2 (8) student progress toward meeting the goals of the charter
3 schools;
4 (9) parent, community and student satisfaction with charter
5 schools;
6 (10) the extent to which waiting lists exist for admission to
7 charter schools and the length of those lists;
8 (11) the extent of any attrition among student and faculty
9 members in charter schools; and
10 (12) the results of the independent study required pursuant to
11 subsection d. of this section.

12 The evaluation shall include a recommendation on the
13 advisability of the continuation, modification, expansion, or
14 termination of the program. If the evaluation does not recommend
15 termination, then it shall include recommendations for changes in
16 the structure of the program which the commissioner deems
17 advisable. The commissioner may not implement any recommended
18 expansion, modification, or termination of the program until the
19 Legislature acts on that recommendation.

20 (cf: P.L.2000, c.142, s.3)

21

22 96. Section 2 of P.L.1988, c.12 (C.18A:38-7.8) is amended to
23 read as follows:

24 2. a. After July 1, 1988, persons of school age who reside on
25 federal property which is located entirely within the geographic
26 boundaries of two or more school districts, one of which is a
27 constituent district of a limited purpose regional district with more
28 than six constituent districts in a county of the fifth class shall be
29 deemed to be domiciled in a district to be designated by the
30 **【county】 regional** superintendent of schools. These persons shall
31 attend the schools of the designated district and the designated
32 district shall count these pupils in the resident enrollment of the
33 district for all State aid and all federal funds provided under
34 Pub.L.81-874, 20 U.S.C. s. 236 et seq.

35 b. The designated district shall be a district that contains within
36 its boundaries a portion of the federal property on which the pupils
37 reside. Not later than 10 days after the effective date of this act, the
38 board of education of any school district that seeks to be designated
39 by the **【county】 regional** superintendent of schools pursuant to this
40 section shall adopt a resolution by majority vote of its members
41 indicating its interest and the resolution shall be forwarded to the
42 **【county】 regional** superintendent. Based on a determination of the
43 best interests of the pupils residing on federal property and pupils
44 residing in the districts seeking designation, the **【county】 regional**
45 superintendent shall, within 30 days of the effective date of this act,
46 certify to the Commissioner of Education which local school
47 district, if any, shall be the designated district. Once the **【county】**
48 regional superintendent has certified the designated district, the

1 **【county】 regional** superintendent may not revoke or alter that
2 certification. In the event that no board of education adopts a
3 resolution indicating an interest in being designated pursuant to this
4 section, the **【county】 regional** superintendent shall not designate a
5 district and the pupils residing on the federal property shall attend
6 the schools of the district in which they reside.

7 c. Notwithstanding the provisions of this section, those pupils
8 residing on federal property prior to October 1, 1987 shall be
9 permitted at the option of each pupil to continue in the school they
10 were attending on September 30, 1987 until graduation from the
11 school. For the purpose of calculating State and federal aid, each
12 pupil who elects to remain shall continue to be included in the
13 resident enrollment of the district in which they reside.

14 (cf: P.L.1988, c.12, s.2)

15
16 97. Section 3 of P.L.1988, c.105 (C.18A:38-7.12) is amended to
17 read as follows:

18 3. Persons of school age who reside in a multi-district federal
19 enclave shall be deemed to be domiciled in a single district to be
20 designated by the **【county】 regional** superintendent of schools.
21 Where all persons of school age who reside in a multi-district
22 federal enclave already attend a single district, the **【county】**
23 **regional** superintendent shall designate that district as the district to
24 be attended by all current and future pupils residing in the multi-
25 district federal enclave. Any person attending on the effective date
26 of this act a school in a district other than a district designated by
27 the **【county】 regional** superintendent pursuant to this act shall be
28 permitted to continue in such school until graduation.

29 (cf: P.L.1988, c.105, s.3)

30
31 98. N.J.S.18A:38-9 is amended to read as follows:

32 18A:38-9. Any child living remote from any public school in the
33 district in which he resides shall be allowed to attend a public
34 school in an adjoining district, with the written consent of the
35 **【county】 regional** superintendent or **【county】 regional**
36 superintendents of each **【county】 region** in which the districts are
37 situate. One copy of such written consent shall be filed with the
38 secretary of the board of education of the district in which the child
39 resides and one copy thereof shall be filed with the secretary of the
40 board of education of the district in which such child shall attend
41 school.

42 (cf: N.J.S.18A:38-9)

43
44 99. Section 1 of P.L.1993, c.384 (C.18A:38-21.1) is amended to
45 read as follows:

46 1. a. Notwithstanding the provisions of N.J.S.18A:38-13 and
47 N.J.S.18A:38-21, any board of education which sends students to

1 another school district may terminate a sending-receiving
2 relationship pursuant to the following conditions:

3 (1) The resident enrollment of the receiving district shall
4 represent more than 95% of the total student enrollment attending
5 the receiving district and the number of students from the sending
6 district who attend the receiving district shall represent less than
7 three percent of the total student enrollment attending the receiving
8 district. Enrollments shall be determined using resident enrollment
9 figures compiled in October of the preceding school year;

10 (2) The sending district shall agree to join a regional school
11 district subsequent to the termination of its sending-receiving
12 relationship;

13 (3) Any secondary school student in the sending district at the
14 time of termination of the sending-receiving relationship shall be
15 permitted to complete his secondary education within the receiving
16 district. The sending-receiving relationship shall be continued for
17 these students;

18 (4) The termination will not significantly disrupt the racial
19 composition of the sending and receiving school districts; and

20 (5) A petition of the sending district to terminate the sending-
21 receiving relationship has not been denied since January 1, 1988 by
22 the Commissioner of Education, the State Board of Education, or
23 the New Jersey courts for reasons which include the impact on the
24 racial composition of the pupil population of the districts.

25 b. Any school district which meets the conditions of subsection
26 a. of this section must take final action to terminate its sending-
27 receiving relationship within three years following the effective
28 date of this act.

29 c. Any school district which has taken final action to terminate
30 its sending-receiving relationship pursuant to this section shall
31 notify the receiving school district no later than December 1 of the
32 school year prior to the school year in which the termination is to
33 occur. Termination of the sending-receiving relationship shall not
34 occur until the sending district has been admitted to an existing
35 regional school district pursuant to N.J.S.18A:13-43 and
36 N.J.S.18A:13-44, or subsection d. of this section, or has become
37 part of a newly formed all purpose regional district pursuant to
38 N.J.S.18A:13-34 and N.J.S.18A:13-35.

39 d. Notwithstanding the provisions of N.J.S.18A:13-43 and
40 N.J.S.18A:13-44, upon the effective date of P.L.1996, c.91
41 (C.18A:38-21.1), a school district which meets the conditions of
42 subsection a. of this section shall be admitted to an existing regional
43 school district upon the adoption of a resolution by its board of
44 education and the board of education of the regional school district
45 approving the inclusion of the school district within the regional
46 district. Copies of the resolutions shall be forwarded to the
47 **[county]** regional superintendent or superintendents of the
48 **[counties]** regions in which the districts are situate. The **[county]**

1 regional superintendent or superintendents shall notify the
2 commissioner and the enlargement of the regional district by the
3 admission of the proposed constituent district shall become
4 effective on the 20th day following the adoption of the resolutions.

5 e. Notwithstanding the provisions of N.J.S.18A:13-8,
6 N.J.S.18A:13-36, and N.J.S.18A:13-46, the board of education of a
7 regional school district which admits a new constituent school
8 district by resolution pursuant to the provisions of subsection d. of
9 this section shall be composed of 11 members unless the regional
10 district consists of more than 11 members. One of the additional
11 board members shall represent the new constituent district and shall
12 be appointed by the **【county】** regional superintendent of the
13 **【county】** region in which the new constituent district is situate.
14 The second additional member shall be apportioned among the
15 other constituent districts of the regional school district as
16 determined by the **【county】** regional superintendent or
17 superintendents of the **【county】** region or **【counties】** regions in
18 which the constituent local districts of the enlarged district are
19 situate. The members so appointed shall serve until the first
20 Monday succeeding the first annual school election of the enlarged
21 regional district and their successors shall be elected at that
22 election.

23 (cf: P.L.1996, c.91)

24

25 100. N.J.S.18A:38-32 is amended to read as follows:

26 18A:38-32. For the purpose of enforcing the provisions of this
27 article, the board of education of each school district and the board
28 of education of each county vocational school shall appoint a
29 suitable number of qualified persons to be designated as attendance
30 officers, and shall fix their compensation; except that if a county
31 attendance officer or officers are appointed for any county, any
32 district board of education of such county may be exempt from the
33 appointment of a local attendance officer if such exemption is
34 approved by the **【county】** regional superintendent. Each board
35 shall make rules not inconsistent with the provisions of this article
36 and subject to the approval of the commissioner, for the
37 government of the attendance officers.

38 (cf: N.J.S.18A:38-32)

39

40 101. N.J.S.18A:38-35 is amended to read as follows:

41 18A:38-35. The salary of each county attendance officer shall be
42 paid as other state salaries are paid. The director of the division of
43 budget and accounting shall on order of the commissioner draw his
44 warrant for such salary on the state treasurer. All claims for the
45 expenses of a county attendance officer shall be paid after being
46 audited by the **【county】** regional superintendent on orders issued by
47 the **【county】** regional superintendent and drawn on the county

1 treasurer. The expenses for each such officer shall not exceed in
2 any one year the sum of \$700.00.

3 (cf: N.J.S.18A:38-35)

4

5 102. N.J.S.18A:39-1 is amended to read as follows:

6 18A:39-1. Whenever in any district there are elementary school
7 pupils who live more than two miles from their public school of
8 attendance or secondary school pupils who live more than 2 1/2
9 miles from their public school of attendance, the district shall
10 provide transportation to and from school for these pupils.

11 When any school district provides any transportation for public
12 school pupils to and from school pursuant to this section,
13 transportation shall be supplied to school pupils residing in such
14 school district in going to and from any remote school other than a
15 public school, not operated for profit in whole or in part, located
16 within the State not more than 20 miles from the residence of the
17 pupil; except that if the district is located in a county of the third
18 class with a population of not less than 80,000 and not more than
19 120,000 transportation shall be provided to a nonpublic school
20 located outside the State not more than 20 miles from the residence
21 of the pupil, if there is no appropriate nonpublic school within the
22 State located closer to the residence of the pupil; provided the per
23 pupil cost of the lowest bid received does not exceed \$675 for the
24 1992-93 school year or the amount determined for subsequent years
25 pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a), and if such
26 bid shall exceed that cost then the parent, guardian or other person
27 having legal custody of the pupil shall be eligible to receive \$675
28 for the 1992-93 school year or the amount determined pursuant to
29 section 2 of P.L.1981, c.57 (C.18A:39-1a) for subsequent years
30 toward the cost of his transportation to a qualified school other than
31 a public school, regardless of whether such transportation is along
32 established public school routes. It shall be the obligation of the
33 parent, guardian or other person having legal custody of the pupil
34 attending a remote school, other than a public school, not operating
35 for profit in whole or in part, to register said pupil with the office of
36 the secretary of the board of education at the time and in the manner
37 specified by rules and regulations of the State board in order to be
38 eligible for the transportation provided by this section. If the
39 registration of any such pupil is not completed by September 1 of
40 the school year and if it is necessary for the board of education to
41 enter into a contract establishing a new route in order to provide
42 such transportation, then the board shall not be required to provide
43 it, but in lieu thereof the parent, guardian or other person having
44 legal custody of the pupil shall be eligible to receive \$675 or the
45 amount determined pursuant to section 2 of P.L.1981, c.57
46 (18A:39-1a), or an amount computed by multiplying 1/180 times
47 the number of school days remaining in the school year at the time
48 of registration, times \$675 for the 1992-93 school year or the

1 amount determined pursuant to section 2 of P.L.1981, c.57
2 (C.18A:39-1a) for subsequent years, whichever is the smaller
3 amount. Whenever any regional school district provides any
4 transportation for pupils attending schools other than public schools
5 pursuant to this section, said regional district shall assume
6 responsibility for the transportation of all such pupils, and the cost
7 of such transportation for pupils below the grade level for which the
8 regional district was organized shall be prorated by the regional
9 district among the constituent districts on a per pupil basis, after
10 approval of such costs by the **[county]** regional superintendent.
11 This section shall not require school districts to provide any
12 transportation for pupils attending a school other than a public
13 school, where the only transportation presently provided by said
14 district is for school children transported pursuant to chapter 46 of
15 Title 18A of the New Jersey Statutes or for pupils transported to a
16 vocational, technical or other public school offering a specialized
17 program. Any transportation to a school, other than a public school,
18 shall be pursuant to the same rules and regulations promulgated by
19 the State board as governs transportation to any public school.

20 The board of education may make rules and contracts for the
21 pupil transportation provided pursuant to this section.

22 Nothing in this section shall be so construed as to prohibit a
23 board of education from making contracts for the transportation of
24 pupils to a school in an adjoining district, when such pupils are
25 transferred to the district by order of the **[county]** regional
26 superintendent, or when any pupils shall attend school in a district
27 other than that in which they shall reside by virtue of an agreement
28 made by the respective boards of education.

29 Nothing herein contained shall limit or diminish in any way any
30 of the provisions for transportation for children pursuant to chapter
31 46 of this Title.

32 (cf: P.L.1992, c.33, s.1)

33

34 103. N.J.S.18A:39-2 is amended to read as follows:

35 18A:39-2. Any board of education having power to provide for
36 the transportation of school pupils in its district to and from school
37 may provide such transportation by a bus or buses owned by it or
38 may enter into contract for such transportation, approved by the
39 **[county]** regional superintendent, for a term not exceeding 4 years.

40 All multiyear contracts made pursuant to the above taking effect
41 subsequent to September 1, 1975 may, at the discretion of the local
42 board of education, and subject to approval by the **[county]**
43 regional superintendent, be increased not to exceed 7 1/2 annually
44 of the original yearly contract cost beginning with the second year
45 of the contract.

46 (cf: P.L.1982, c.74, s.2)

47

48 104. Section 2 of P.L.2001, c.437 (C.18A:39-2.2) is amended to

1 read as follows:

2 2. A **【county】 regional** superintendent of schools, during the
3 approval process of pupil transportation contracts conducted
4 pursuant to N.J.S.18A:39-2, shall examine the contract to determine
5 whether cost efficiencies could be realized by combining public and
6 nonpublic school pupils on the same school bus routes.
7 (cf: P.L.2001, c.437, s.2)

8

9 105. N.J.S.18A:39-3 is amended to read as follows:

10 18A:39-3. a. No contract for the transportation of pupils to and
11 from school shall be made, when the amount to be paid during the
12 school year for such transportation shall exceed \$7,500.00 or the
13 amount determined pursuant to subsection b. of this section, and
14 have the approval of the **【executive county】 regional** superintendent
15 of schools, unless the board of education making such contract shall
16 have first publicly advertised for bids therefor in a newspaper
17 published in the district or, if no newspaper is published therein, in
18 a newspaper circulating in the district, once, at least 10 days prior to
19 the date fixed for receiving proposals for such transportation, and
20 shall have awarded the contract to the lowest responsible bidder.

21 Nothing in this chapter shall require the advertisement and
22 letting on proposals or bids of annual extensions, approved by the
23 **【executive county】 regional** superintendent, of any contract for
24 transportation entered into through competitive bidding when--

25 (1) Such annual extensions impose no additional cost upon the
26 board of education, regardless of the fact that the route description
27 has changed; or

28 (2) The increase in the contractual amount as a result of such
29 extensions does not exceed the rise in the Consumer Price Index as
30 defined in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that
31 school year, regardless of the fact that the route description has
32 changed or an aide has been added or removed; or

33 (3) (Deleted by amendment, P.L.1982, c.74.)

34 (4) The increase in the contractual amount as a result of an
35 extension exceeds the rise in the Consumer Price Index as defined
36 in section 3 of P.L.2007, c.260 (C.18A:7F-45) for that school year,
37 but the following apply to the extensions:

38 (a) The increase is directly attributable to a route change to
39 accommodate new student riders or safety concerns as provided for
40 in the original bid, or the increase is directly attributable to the
41 addition of an aide as provided for in the original bid; and

42 (b) The school destination remains unchanged from the original
43 contract.

44 Any such extension as described in this paragraph shall require
45 the approval of the **【executive county】 regional** superintendent of
46 schools.

47 Nothing in this chapter shall require the immediate bid of any
48 contract renewal for the remainder of a school year in which the

1 only change, in addition to route description, is the bus type.
2 However, any such extension shall be approved by the [executive
3 county] regional superintendent of schools and shall be bid for the
4 next school year.

5 b. The Governor, in consultation with the Department of the
6 Treasury, shall, no later than March 1 of each odd-numbered year,
7 adjust the threshold amount set forth in subsection a. of this section,
8 or subsequent to 1985 the threshold amount resulting from any
9 adjustment under this subsection or section 17 of P.L.1985, c.469,
10 in direct proportion to the rise or fall of the Consumer Price Index
11 for all urban consumers in the New York City and the Philadelphia
12 areas as reported by the United States Department of Labor. The
13 Governor shall, no later than June 1 of each odd-numbered year,
14 notify all local school districts of the adjustment. The adjustment
15 shall become effective on July 1 of each odd-numbered year.

16 (cf: P.L.2007, c.260, s.66)

17

18 106. N.J.S.18A:39-10 is amended to read as follows:

19 18A:39-10. Notwithstanding the terms of any contract for
20 transportation of pupils to and from school, or renewal thereof,
21 entered into pursuant to this chapter, any board of education, in its
22 discretion, with the approval of the [county] regional
23 superintendent, may compensate any transportation contractor, in
24 whole or in part, for any necessary expenditure made to comply
25 with the provisions of any law enacted, or any rules and regulations
26 promulgated pursuant to any law, after said contract was entered
27 into.

28 (cf: N.J.S.18A:39-10)

29

30 107. N.J.S.18A:39-11 is amended to read as follows:

31 18A:39-11. The boards of education of 2 or more school
32 districts may provide jointly for the transportation of pupils to and
33 from any school or schools within or outside the districts.

34 Whenever in the judgment of the [county] regional
35 superintendent of schools transportation of pupils to any qualified
36 school other than a public school could be more economically
37 accomplished by joint transportation with 2 or more school districts,
38 he may order such joint transportation, assign the administration to
39 one board of education and prorate the cost on a per pupil mileage
40 basis to the other boards of education involved.

41 (cf: P.L.1968, c.29, s.3)

42

43 108. Section 1 of P.L.1997, c.53 (C.18A:39-11.1) is amended to
44 read as follows:

45 1. a. The Commissioner of Education shall identify and
46 publish a list of local school boards of education, educational
47 services commissions, county special services school districts, and
48 any other established agencies providing cooperative transportation

1 services.

2 b. Any school district responsible for the transportation of
3 pupils to and from a school, other than a local district school,
4 pursuant to N.J.S.18A:39-1 which transports pupils to a county
5 vocational school and pupils classified pursuant to chapter 46 of
6 Title 18A of the New Jersey Statutes shall utilize one of the
7 agencies identified by the commissioner for the transportation of
8 the pupils. Transportation by one of the agencies shall not be
9 required when the local district can provide transportation at a
10 lower cost than those agencies, or the transportation to be provided
11 by one of the agencies does not fall within the policies of the
12 resident school district regarding length of ride and assignment of
13 students to a route based on student age or classification.

14 c. (1) A board of education shall bid or coordinate nonpublic
15 school transportation services with another school district or a
16 cooperative transportation services agency in accordance with
17 criteria established by the commissioner.

18 (2) Any school district which has in the prior year provided
19 payments in lieu of transportation for any nonpublic school pupil
20 pursuant to N.J.S.18A:39-1, or which cannot provide transportation
21 in the ensuing school year in accordance with the commissioner's
22 criteria, shall attempt to provide transportation through an agency
23 identified by the commissioner prior to determining to pay aid in
24 lieu of transportation. The school district shall provide to the
25 agency any unique limitations or restrictions of the required
26 transportation. If the costs to provide transportation by the agency
27 identified by the commissioner are less than the in-lieu-of
28 payments, the agency shall provide transportation. The school
29 district shall make the determination on the manner in which
30 transportation services shall be provided and shall notify the
31 nonpublic school and the parent or guardian of the nonpublic school
32 pupil by August 1 prior to the beginning of the school year. For the
33 purposes of this subsection, "costs to provide transportation" shall
34 not include any administrative fee charged by the agency. If the
35 sum of the costs to provide transportation plus any administrative
36 fee charged by the agency exceeds on a per pupil basis the
37 maximum amount for nonpublic school transportation established
38 pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a), the board of
39 education may apply to the commissioner for that portion which
40 exceeds the maximum amount.

41 d. The **【county】** regional superintendents shall:

42 (1) assist local boards of education and the chief school
43 administrators of nonpublic schools in coordinating the calendars
44 and schedules of the public and nonpublic schools to facilitate the
45 coordination of transportation of pupils to and from school in their
46 respective **【county】** region;

47 (2) arbitrate any disputes between local boards of education and
48 the chief school administrators of nonpublic schools regarding pupil

1 transportation; and

2 (3) convene a meeting, at least once a year, of representatives of
3 all public and nonpublic schools in the **【county】** region to discuss
4 issues related to pupil transportation.

5 (cf: P.L.2001, c.65, s.2)

6

7 109. Section 2 of P.L.2005, c.84 (C.18A:39-11.3) is amended to
8 read as follows:

9 2. a. A board of education may, by resolution approved by a
10 majority of the board of education and subject to the provisions of
11 subsection b. of this section, disqualify a bidder who would
12 otherwise be determined to be the lowest responsible bidder for a
13 pupil transportation contract, if the board of education finds that it
14 has had prior negative experience with the bidder. The
15 disqualification shall be for a reasonable, defined period of time
16 which shall not exceed three years.

17 b. As used in this section, "prior negative experience" means
18 any of the following:

19 (1) the bidder has been determined to be "nonperforming" under
20 a pupil transportation contract after a hearing which shall include
21 the bidder, the superintendent of schools, and the **【county】** regional
22 superintendent of schools. The **【county】** regional superintendent of
23 schools shall make the determination as to nonperformance and this
24 determination may be appealed to Commissioner of Education and
25 the State Board of Education, as provided by law;

26 (2) the bidder defaulted on a transportation contract thereby
27 requiring the board of education to utilize the services of another
28 contractor to complete the contract;

29 (3) the bidder defaulted on a transportation contract thereby
30 requiring the board of education to look to the bidder's surety for
31 completion of the contract or tender of the costs of completion; or

32 (4) the bidder has at least a 10% ownership in any contractor
33 that had prior negative experience with the board of education as
34 described in paragraphs (1) through (3) of this subsection.

35 (cf: P.L.2005, c.84, s.2)

36

37 110. N.J.S.18A:39-15 is amended to read as follows:

38 18A:39-15. If the **【executive county】** regional superintendent of
39 the **【county】** regional in which the districts are situate shall approve
40 the necessity, the cost, and the method of providing joint
41 transportation and the agreement whereby the same is to be
42 provided, each board of education providing joint transportation
43 shall be entitled to State transportation aid pursuant to section 15 of
44 P.L.2007, c.260 (C.18A:7F-57).

45 (cf: P.L.2007, c.260, s.67)

46

47 111. N.J.S.18A:39-16 is amended to read as follows:

48 18A:39-16. In the event that any controversy or dispute shall

1 arise among the parties to any such agreement for joint
2 transportation, the same shall be referred to the **【county】 regional**
3 superintendent of the **【county】 region** in which the districts are
4 situate for determination and his determination thereon shall be
5 binding, subject to appeal to the commissioner. In the event that
6 the districts are in more than one **【county】region** , the controversy
7 or dispute shall be referred to the **【county】 regional** superintendents
8 of the **【counties】 regions** for joint determination, and if they shall
9 be unable to agree upon a joint determination within 30 days, the
10 controversy or dispute shall be referred to the commissioner for
11 determination.

12 (cf: N.J.S.18A:39-16)

13

14 112. N.J.S.18A:39-17 is amended to read as follows:

15 18A:39-17. In each school year, prior to the assignment of any
16 driver or substitute driver to any vehicle operated by the board of
17 education of any district as a school bus, there shall be filed by the
18 secretary of such board with the **【county】 regional** superintendent
19 the name and social security number of each such driver or
20 substitute driver and certification of a valid school bus driver's
21 license, criminal background check, and evidence of a check for the
22 driver's record of alcohol and drug-related motor vehicle violations
23 pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1).

24 (cf: P.L.2003, c.66, s.2)

25

26 113. N.J.S.18A:39-18 is amended to read as follows:

27 18A:39-18. In each school year, prior to the beginning of
28 transportation of school pupils under a contract awarded by a board
29 of education, the contractor shall furnish to the **【county】 regional**
30 superintendent the name, social security number, and certification
31 of a valid school bus driver's license and criminal background
32 check, and evidence of a check for the driver's record of alcohol and
33 drug-related motor vehicle violations pursuant to section 6 of
34 P.L.1989, c.104 (C.18A:39-19.1) of each driver or substitute driver
35 to be assigned to any vehicle in the performance of his contract.

36 (cf: P.L.2003, c.66, s.3)

37

38 114. Section 6 of P.L.1989, c.104 (C.18A:39-19.1) is amended
39 to read as follows:

40 6. a. Prior to employment as a school bus driver, and upon
41 application for renewal of a school bus driver's license, a bus driver
42 shall submit to the Commissioner of Education his or her name,
43 address and fingerprints in accordance with procedures established
44 by the commissioner. No criminal history record check or check for
45 alcohol and drug-related motor vehicle violations shall be furnished
46 without his or her written consent to such a check. The applicant
47 shall bear the cost for the checks, including all costs for

1 administering and processing the checks.

2 Upon receipt of the criminal history record information for an
3 applicant from the Federal Bureau of Investigation and the Division
4 of State Police, and information on the check for alcohol and drug-
5 related motor vehicle violations from the Division of Motor Vehicle
6 Services, the Commissioner of Education shall notify the applicant,
7 in writing, of the applicant's qualification or disqualification as a
8 school bus driver. If the applicant is disqualified, the convictions
9 which constitute the basis for the disqualification shall be identified
10 in the written notice to the applicant. A school bus driver, except as
11 provided in subsection e. of this section, shall be permanently
12 disqualified from employment or service if the individual's criminal
13 history record reveals a record of conviction for which public
14 school employment candidates are disqualified pursuant to section 1
15 of P.L.1986, c.116 (C.18A:6-7.1) or if the driver has been convicted
16 at least two times within the last 10 years for a violation of
17 R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 5
18 of P.L.1990, c.103 (C.39:3-10.13), or section 16 of P.L.1990, c.103
19 (C.39:3-10.24); or once for a violation of section 5 of P.L.1990,
20 c.103 (C.39:3-10.13) or section 16 of P.L.1990, c.103 (C.39:3-
21 10.24) while transporting school children.

22 Following qualification for employment as a school bus driver
23 pursuant to this section, the State Bureau of Identification shall
24 immediately forward to the Commissioner of Education any
25 information which the bureau receives on a charge pending against
26 the school bus driver. If the charge is for one of the crimes or
27 offenses enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1),
28 the commissioner shall notify the employing board of education or
29 contractor, and the board or contractor shall take appropriate action.
30 If the pending charge results in conviction, the school bus driver
31 shall not be eligible for continued employment.

32 A school bus driver shall not be eligible to operate a school bus
33 if the individual's bus driver's license is currently revoked or
34 suspended by the Division of Motor Vehicle Services in accordance
35 with R.S.39:3-10.1.

36 Following qualification for employment as a school bus driver,
37 the Division of Motor Vehicle Services shall immediately forward
38 to the Commissioner of Education any information which the
39 division receives on a conviction for an alcohol or drug-related
40 motor vehicle violation that would disqualify the driver from
41 employment pursuant to the provisions of this subsection. The
42 commissioner shall notify the employing board of education or
43 contractor that the driver is no longer eligible for employment.

44 b. Notwithstanding the provisions of this section, an individual
45 shall not be disqualified from employment or service under this act
46 on the basis of any conviction disclosed by a criminal history record
47 check or a check for alcohol and drug-related motor vehicle
48 violations performed pursuant to this section without an opportunity

1 to challenge the accuracy of the disqualifying records.

2 c. When charges are pending for a crime or any other offense
3 enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the
4 employing board of education or contractor shall be notified that the
5 candidate shall not be eligible for employment until the
6 commissioner has made a determination regarding qualification or
7 disqualification upon adjudication of the pending charges.

8 d. The applicant shall have 30 days from the date of the written
9 notice of disqualification to challenge the accuracy of the criminal
10 history record information or the record of convictions for an
11 alcohol or drug-related motor vehicle violation. If no challenge is
12 filed or if the determination of the accuracy of the criminal history
13 record information or the record of convictions for an alcohol or
14 drug-related motor vehicle violation upholds the disqualification,
15 notification of the applicant's disqualification for employment shall
16 be forwarded to the Division of Motor Vehicle Services. The local
17 board of education or the school bus contractor and the **【County**
18 **Superintendent of Schools】** regional superintendent of schools shall
19 also be notified of the disqualification. Notwithstanding the
20 provisions of any law to the contrary, the Director of the Division
21 of Motor Vehicle Services shall, upon notice of disqualification
22 from the Commissioner of Education, immediately revoke the
23 applicant's special license issued pursuant to R.S.39:3-10.1 without
24 necessity of a further hearing. Candidates' records shall be
25 maintained in accordance with the provisions of section 4 of
26 P.L.1986, c.116 (C.18A:6-7.4).

27 e. This section shall first apply to criminal history record
28 checks conducted on or after the effective date of P.L.1998, c.31
29 (C.18A:6-7.1c et al.); except that in the case of a school bus driver
30 employed by a board of education or a contracted service provider
31 who is required to undergo a check upon application for renewal of
32 a school bus driver's license, the individual shall be disqualified
33 only for the following offenses:

34 (1) any offense enumerated in this section prior to the effective
35 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

36 (2) any offense enumerated in this section which had not been
37 enumerated in this section prior to the effective date of P.L.1998,
38 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
39 offense on or after the effective date of that act.

40 f. (1) Notwithstanding any provision of this section to the
41 contrary, the check for alcohol and drug-related motor vehicle
42 violations shall be conducted in accordance with the provisions of
43 this section prior to initial employment as a school bus driver and
44 upon application for renewal of a school bus driver's license until
45 such time as the provisions of the "Motor Carrier Safety
46 Improvement Act of 1999," Pub.L.106-159, are effective and
47 implemented by the State.

48 (2) Notwithstanding any provision of this section to the contrary,

1 upon the implementation by the State of the "Motor Carrier Safety
2 Improvement Act of 1999," Pub.L.106-159, a check for alcohol and
3 drug-related motor vehicle violations shall be conducted in
4 accordance with the provisions of this section prior to initial
5 employment as a school bus driver. A check for alcohol and drug-
6 related motor vehicle violations conducted for any subsequent
7 renewal of a school bus driver's license shall be subject to the
8 provisions of the "Motor Carrier Safety Improvement Act of 1999,"
9 Pub.L.106-159.

10 (3) Upon the implementation by the State of the "Motor Carrier
11 Safety Improvement Act of 1999," Pub.L.106-159, following
12 qualification for employment as a school bus driver, the Division of
13 Motor Vehicle Services shall immediately notify the Commissioner
14 of Education of the suspension or revocation of a school bus
15 driver's commercial driver's license. The commissioner shall notify
16 the employing board of education or contractor of the suspension or
17 revocation, and the employment of the school bus driver shall be
18 immediately terminated. In the case of a school bus driver whose
19 commercial driver's license has been suspended, the driver may
20 apply for re-employment at the end of the period of suspension.
21 (cf: P.L.2003, c.66, s.4)

22

23 115. N.J.S.18A:40-2 is amended to read as follows:

24 18A:40-2. Whenever the **[county]** regional superintendent shall
25 certify to the commissioner that there has been subscribed or
26 donated a sum not less than \$4,000.00 for the purpose of paying the
27 salary of a person to be known as county medical inspector of a
28 county, the commissioner shall appoint, by and with the approval
29 of the state board, a physician, licensed to practice medicine and
30 surgery within the state, of at least two years practical experience,
31 to be known as county medical inspector for such county. He shall
32 perform such duties as shall be prescribed by rules adopted by the
33 state board. His term of office shall be one year. No person shall
34 be appointed as a county medical inspector in any year until there
35 has been certified to the commissioner that a sum sufficient to pay
36 the salary of such officer, but not less than \$4,000.00, has been
37 subscribed or donated as aforesaid.

38 (cf: N.J.S.18A:40-2)

39

40 116. N.J.S.18A:46-3 is amended to read as follows:

41 18A:46-3. When the results of a survey of handicapped children
42 in any county, in the opinion of the commissioner warrants it, he
43 shall, with the approval of the state board, establish a department of
44 child study which shall be charged with the duty of performing the
45 services required to be performed at the county level under this
46 chapter. He shall appoint for each county department of child
47 study or, with the approval of the state board, for one or more
48 county departments of child study, a supervisor, whose duties shall

1 include the coordination of the special education services in the
2 county, and he shall appoint, such additional personnel, constituting
3 a child study team as he deems necessary to perform such services
4 for handicapped children.

5 In addition to the supervisor of child study the members of each
6 child study team shall include personnel qualified to administer,
7 supervise or otherwise perform the special education services
8 required under this chapter.

9 The **【county】 regional** superintendent of the **【county】 region** or
10 the **【county】 regional** superintendents of the **【counties】 regions**
11 served by one child study team jointly shall, with the approval of
12 the commissioner, designate a member of the child study team to
13 serve as chairman and in event that they cannot agree the chairman
14 shall be designated by the commissioner.

15 (cf: N.J.S.18A:46-3)

16

17 117. N.J.S.18A:46-4 is amended to read as follows:

18 18A:46-4. The commissioner shall fix the terms of office and
19 compensation of the supervisor and other members of the child
20 study team. Their salaries shall be paid as other State salaries are
21 paid by warrants drawn by the Director of the Division of Budget
22 and Accounting on the State Treasurer, on orders issued by the
23 commissioner. All claims for expenses of the supervisor, for each
24 county in which he shall serve, shall be paid after being audited by
25 the **【county】 regional** superintendent on orders issued by the
26 **【county】 regional** superintendent and drawn on the county
27 treasurer. Notwithstanding any other provision of the law, the State
28 shall reimburse each county no more than \$750.00 for the expenses
29 of the supervisor in any 1 year. All claims for expenses of the
30 supervisor which exceed the sum of \$750.00 shall be paid by the
31 county.

32 (cf: P.L.1975, c.336, s.1)

33

34 118. N.J.S.18A:46-7 is amended to read as follows:

35 18A:46-7. Each board of education shall report annually to the
36 **【county】 regional** superintendent of schools of the **【county】 region**
37 in which the school district is situate, who shall report to the
38 commissioner, the names of all children who are in special
39 education instructional programs and the names and addresses of
40 their parents or persons having control or custody of them, together
41 with the category into which they have been classified. Included in
42 this report shall be the names and addresses of any known
43 handicapped children who are not attending school. The
44 commissioner shall make the information in the reports available to
45 any state agency charged with the care and restoration of any
46 particular category of handicapped children.

47 (cf: N.J.S.18A:46-7)

1 119. N.J.S.18A:46-13 is amended to read as follows:

2 18A:46-13. It shall be the duty of each board of education to
3 provide suitable facilities and programs of education for all the
4 children who are classified as handicapped under this chapter. The
5 absence or unavailability of a special class facility in any district
6 shall not be construed as relieving a board of education of the
7 responsibility for providing education for any child who qualifies
8 under this chapter.

9 The Department of Human Services, and the Department of
10 Children and Families, as applicable, shall provide transportation
11 for all children who attend day training centers operated by the
12 department.

13 A board of education is not required to provide any further
14 educational program for children who have been admitted to the
15 Marie H. Katzenbach School for the Deaf but shall be required to
16 furnish necessary daily transportation Monday through Friday to
17 and from the school for nonboarding pupils when such
18 transportation is approved by the **【county】** regional superintendent
19 of schools in accordance with such rules and regulations as the
20 State board shall promulgate for such transportation. Any special
21 education facility or program authorized and provided for a child
22 attaining age 20 during a school year shall be continued for the
23 remainder of that school year.

24 (cf: P.L.2006, c.47, s.96)

25

26 120. N.J.S.18A:46-23 is amended to read as follows:

27 18A:46-23. The board of education shall furnish transportation
28 to all children found under this chapter to be handicapped who shall
29 qualify therefor pursuant to law and it shall furnish the
30 transportation for a lesser distance also to any handicapped child, if
31 it finds upon the advice of the examiner, the handicap to be such as
32 to make transportation necessary or advisable.

33 The board of education shall furnish transportation to all children
34 being sent by local boards of education to an approved 12-month
35 program pursuant to N.J.S.18A:46-14, or any other program
36 approved pursuant to N.J.S.18A:46-14 and who qualify therefor
37 pursuant to law, during the entire time the child is attending the
38 program. The board shall furnish transportation for a lesser
39 distance also to a handicapped child, if it finds upon the advice of
40 the examiner, his handicap to be such as to make the transportation
41 necessary or advisable.

42 The school district shall be entitled to State aid for the
43 transportation pursuant to section 15 of P.L.2007, c.260 (C.18A:7F-
44 57) when the necessity for the transportation and the cost and
45 method thereof have been approved by the **【executive county】**
46 regional superintendent of the county in which the district paying
47 the cost of the transportation is situated.

48 (cf: P.L.2007, c.260, s.72)

1 121. Section 7 of P.L.1971, c.271 (C.18A:46-35) is amended to
2 read as follows:

3 7. For each county special services school district established
4 in accordance with this act there shall be a board of education
5 consisting of the **【county】 regional** superintendent of schools, ex
6 officio, and six persons to be appointed by the director of the board
7 of chosen freeholders with the advice and consent of the remaining
8 members of such board. In any county having a county mental
9 health board, the chairman thereof, or his designee, shall also serve
10 as an ex-officio member of the board of education but shall not be
11 entitled to vote on any matter before the board. The appointive
12 members shall serve for terms of 3 years commencing as of July 1
13 of the calendar year in which they are appointed and to continue
14 until their successors are appointed and qualify, except that of
15 those first appointed two shall be appointed for terms of 1 year, two
16 for 2 years, and two for 3 years.

17 Vacancies in the board caused by the death, resignation or
18 removal of a member shall be reported forthwith by the secretary of
19 the board to the director of the board of chosen freeholders, who, by
20 the next regular meeting of the board of chosen freeholders and in
21 the manner herein prescribed for making appointments for a full
22 term, shall appoint a person to fill the vacancy for the unexpired
23 term.

24 (cf: P.L.1979, c.352, s.1)

25

26 122. Section 1 of P.L.2007, c.222 (C.18A:46-47) is amended to
27 read as follows:

28 1. a. Notwithstanding any provisions of law to the contrary, a
29 board of chosen freeholders may, by resolution, establish one board
30 of education for the county special services school district
31 established pursuant to section 1 of P.L.1971, c.271 (C.18A:46-29)
32 and the county vocational school district established pursuant to
33 chapter 54 of Title 18A of the New Jersey Statutes. This board of
34 education shall be known as "The Board of Education of the Special
35 Services School District and the Vocational School District of the
36 county of...." This board shall have all the powers, functions and
37 duties provided to a board of education of a county special services
38 school district pursuant to article 8 of chapter 46 of Title 18A of the
39 New Jersey Statutes and a board of education of a county vocational
40 school district pursuant to article 3 of chapter 54 of Title 18A of the
41 New Jersey Statutes.

42 b. The consolidated board of education established pursuant to
43 subsection a. of this section shall consist of the **【county】 regional**
44 superintendent of schools, ex officio, and six persons to be
45 appointed by the chief elected executive officer of the county, or the
46 director of the board of chosen freeholders, with the advice and
47 consent of the remaining members of the board of chosen
48 freeholders, as appropriate to the appointment procedures

1 established by the form of government of the county. In any county
2 having a county mental health board, the chairman thereof, or his
3 designee, shall also serve as an ex-officio, nonvoting member of the
4 board. At least three of the appointed members shall have an
5 interest in children with an educational disability or in the field of
6 mental health and at least three of the appointed members shall have
7 an interest in the field of vocational education. The appointed
8 members shall serve for terms of three years and shall continue to
9 serve until their successors are appointed and qualify. A vacancy in
10 the board shall be deemed to exist, and shall be filled, in the manner
11 prescribed in P.L.1979, c.302 (C.40A:9-12.1).

12 Each appointed member shall be a citizen and resident of the
13 county and shall have been a citizen and resident for at least two
14 years immediately preceding becoming a member of the board. If
15 an appointed member ceases to be a resident of the county,
16 membership on the board shall cease.

17 c. Of the initial members appointed to the board of education
18 established pursuant to subsection a. of this section, two shall serve
19 a one-year term, two shall serve a two-year term, and two shall
20 serve a three-year term. Thereafter when a term of one of the
21 appointed members expires, the vacancy shall be filled as provided
22 pursuant to this section and the member shall serve a three-year
23 term from November 1 next succeeding the date of his appointment.
24 (cf: P.L.2007, c.222, s.1)

25

26 123. N.J.S.18A:51-3 is amended to read as follows:

27 18A:51-3. The first members of the commission shall be
28 appointed forthwith by the **【county】** regional superintendent of the
29 **【county】** region upon notification that it has been determined to
30 establish such a center and they shall serve until June 30 next
31 ensuing.

32 (cf: N.J.S.18A:51-3)

33

34 124. N.J.S.18A:51-4 is amended to read as follows:

35 18A:51-4. On or before said June 30 and annually thereafter, the
36 **【county】** regional superintendent shall call a meeting of all of the
37 members of the boards of education of the participating school
38 districts for the election of permanent members of the commission.
39 At such first meeting one member of the first class and one member
40 of the second class, shall be elected for terms of one year, two years
41 and three years, each, beginning on July 1 next succeeding, and if
42 there be no county library in the county, the librarian member shall
43 be elected for a term of one year. At each subsequent meeting one
44 member of each class shall be elected to serve for a term of three
45 years and a librarian member to serve for one year shall be elected,
46 also, if there be no county library in the county. In all cases the
47 vote of the majority of the members of the boards of education of
48 the participating school districts present and voting shall be

1 necessary for election. Vacancies in the commission shall be filled
2 by the remaining members of the commission according to the
3 qualifications hereinbefore provided for original appointments and
4 they shall serve for the unexpired terms only.
5 (cf: N.J.S.18A:51-4)

6

7 125. N.J.S.18A:51-5 is amended to read as follows:

8 18A:51-5. Each county educational audiovisual aids commission
9 shall organize by the election of a chairman and a vice chairman
10 from its own membership and shall adopt rules for the
11 establishment and maintenance of said center. The **[county]**
12 regional superintendent shall serve as secretary of the commission,
13 and the county treasurer of the county shall serve as custodian of all
14 moneys and funds of the commission from whatever source derived,
15 without compensation. The county treasurer as such custodian shall
16 keep said moneys and funds in a separate and distinct account and
17 shall disburse the same on orders signed by the chairman and
18 secretary of the commission. Before entering upon his duties as
19 such custodian he shall be required to give additional bond or to
20 renew his bond as county treasurer, in such manner as to cover and
21 secure the faithful performance of his duties as such custodian and
22 any additional premium shall be paid by the commission.
23 (cf: N.J.S.18A:51-5)

24

25 126. N.J.S.18A:54-16 is amended to read as follows:

26 18A:54-16. For each county system of vocational schools
27 established in accordance with this chapter, there shall be a board of
28 education consisting of the **[county]** regional superintendent of
29 schools and four persons to be appointed; provided, however, that a
30 county of the first class which has adopted a form of government
31 pursuant to the provisions of the "Optional County Charter Law"
32 (P.L.1972, c.154; C.40:41A-1 et seq.) may, by ordinance, establish
33 a board of education consisting of six, seven, or nine persons to be
34 appointed and any other county may, by ordinance, establish a
35 board of education consisting of six persons to be appointed.

36 In counties of the first class which, by ordinance, have
37 established a board consisting of six, seven, or nine persons to be
38 appointed, the appointive members shall be appointed by the chief
39 elected executive officer of the county with the advice and consent
40 of the board of chosen freeholders. In all other counties, the
41 appointive members of the board shall be appointed by the chief
42 elected executive officer of the county, or the director of the board
43 of chosen freeholders, with the advice and consent of that board, as
44 appropriate to the appointment procedures established by the form
45 of government of the county. On a board with four appointive
46 members, not more than two members, or in the case of a board
47 with six appointive members, not more than three members,
48 appointed in any such county of the second, third, fifth or sixth

1 class shall be members of the same political party, but no changes
2 for adjustment of party representation shall be made in a board
3 except as vacancies occur.

4 In making the first appointments to a board with four appointive
5 members, one person shall be appointed to serve for one year, one
6 for two years, one for three years and one for four years from
7 November 1 next succeeding the date of their respective
8 appointments. In a county of the first class which, by ordinance, has
9 established a board with seven appointive members, the chief
10 elected executive officer shall make the first appointments to the
11 board in the following manner: two shall be appointed to serve for
12 one year, two for two years, two for three years, and one for four
13 years from November 1 next succeeding the date of their respective
14 appointments. The persons so appointed shall also serve from the
15 date of their respective appointments until November 1 next
16 ensuing.

17 In the case of a board of education with four appointive members
18 on the effective date of P.L.2005, c.299 (C.18A:54-16.14 et al.) in a
19 county of the first class or any other county which determines by
20 ordinance to appoint a board with six appointive members, in
21 making the initial appointment of the two additional members, one
22 person shall be appointed to serve for two years and one person
23 shall be appointed to serve for four years from November 1 next
24 succeeding the date of their respective appointments.

25 In the case of a board of education with four appointive members
26 on the effective date of P.L.2005, c.299 (C.18A:54-16.14 et al.) in a
27 county of the first class which determines by ordinance to appoint a
28 board with seven appointive members, in making the initial
29 appointment of the three additional members, one person shall be
30 appointed to serve for two years, one person shall be appointed to
31 serve for three years, and one person shall be appointed to serve for
32 four years from November 1 next succeeding the date of their
33 respective appointments.

34 In the case of a board of education with four appointive members
35 on the effective date of P.L.2005, c.299 (C.18A:54-16.14 et al.) in a
36 county of the first class which determines by ordinance to appoint a
37 board with nine appointive members, in making the initial
38 appointment of the five additional members, one person shall be
39 appointed to serve for one year, one person shall be appointed to
40 serve for two years, one person shall be appointed to serve for three
41 years, and two persons shall be appointed to serve for four years
42 from November 1 next succeeding the date of their respective
43 appointments.

44 In the case of a board of education with seven appointive
45 members on the effective date of P.L.2005, c.299 (C.18A:54-16.14
46 et al.) in a county of the first class which determines by ordinance
47 to appoint a board with nine appointive members, in making the
48 initial appointment of the two additional members, one person shall

1 be appointed to serve for two years and one person shall be
2 appointed to serve for four years from November 1 next succeeding
3 the date of their respective appointments.

4 Annually during the month of October a member or members, as
5 the case may be, of the board shall be appointed to serve for a term
6 of four years, and thereafter until the appointment and qualification
7 of his respective successor, to take the place of the member or
8 members, as the case may be, whose term or terms shall expire on
9 November 1 then next ensuing.

10 A vacancy in the board shall be deemed to exist, and shall be
11 filled, in the manner prescribed in P.L.1979, c.302 (C.40A:9-12.1).
12 (cf: P.L.2005, c.299, s.1)

13

14 127. Section 2 of P.L.1993, c.314 (C.18A:54E-2) is amended to
15 read as follows:

16 2. Each **【county】 regional** superintendent shall create a
17 business advisory board or shall designate a Workforce Investment
18 Board created by the State Employment and Training Commission
19 in the Department of Labor or a Private Industry Council
20 established pursuant to the Job Training and Partnership Act to
21 perform the functions of the business advisory board under this act.

22 Membership on the business advisory board shall be open to
23 interested local businesses which wish to assist students enrolled in
24 a program involving vocational or technical training in a public
25 secondary school or community college jointly engaged in such a
26 program with a public secondary school. The **【county】 regional**
27 superintendent shall be chairman of the business advisory board,
28 and the board shall meet monthly. The **【county】 regional**
29 superintendent shall appoint a program coordinator who shall be
30 charged with administering the program at local board levels. All
31 members of the board shall serve without compensation and for a
32 three year term.

33 (cf: P.L.1993, c.314, s.2)

34

35 128. Section 4 of P.L.1993, c.314 (C.18A:54E-4) is amended to
36 read as follows:

37 4. The board or council shall provide upon the request of the
38 **【county】 regional** superintendent a rating of the effectiveness of
39 any program designed to prepare students for employment, based on
40 the preparedness of students who are in their employment. The
41 board shall also make recommendations to the local school board
42 through the **【county】 regional** superintendent regarding suggested
43 curriculum changes or other methods to improve those programs
44 designed to prepare students for employment in a vocation or
45 technical field.

46 (cf: P.L.1993, c.314, s.4)

47

48 129. N.J.S.18A:55-2 is amended to read as follows:

1 18A:55-2. The commissioner shall direct the State treasurer to
2 withhold funds payable by the State from any district which fails to
3 obey the law or the rules or directions of the State board or the
4 commissioner.

5 The **【executive county】** regional superintendent with the
6 approval of the commissioner may direct the secretary or treasurer
7 of the school moneys, as appropriate, of a school district to
8 withhold all moneys received by him from the State treasurer and
9 then remaining in his hands to the credit to the district, whenever
10 the board of education of the district, or any officer thereof, or the
11 legal voters of any school district, or any board or officer of the
12 municipality in which any such school district is situate, shall
13 neglect or refuse to perform any duty imposed upon such board,
14 officer, or legal voters by this title or by the rules of the State board.
15 The secretary or treasurer, as appropriate, shall withhold such
16 moneys until he shall receive notice from the **【county】** regional
17 superintendent that the board, officer, or legal voters have
18 performed such duty.

19 (cf: P.L.2010, c.39, s.33)

20

21 130. N.J.S.18A:56-15 is amended to read as follows:

22 18A:56-15. The income of the school fund shall be paid into the
23 general fund of the state treasury, and shall be used for the support
24 of public schools, the payment of salaries of **【county】** regional
25 superintendents and the payment of accrued interest on bonds
26 purchased for the fund, the payment of interest on, and the purchase
27 of, bonds issued locally for school purposes to the extent and within
28 the limits provided by law, and for no other use or purpose
29 whatsoever. The payment of premiums on bonds purchased shall be
30 made out of the investment account.

31 (cf: N.J.S.18A:56-15)

32

33 131. N.J.S.18A:64A-8 is amended to read as follows:

34 18A:64A-8. For each county college there shall be a board of
35 trustees, consisting of the **【county】** regional superintendent of
36 schools and 10 persons, eight of whom shall be appointed by the
37 appointing authority of the county with the advice and consent of
38 the board of chosen freeholders, at least two of whom shall be
39 women and two of whom shall be appointed by the Governor,
40 according to criteria and for such initial terms as shall be
41 established. However, no trustee shall be appointed after
42 July 1, 1994 who is an employee of a constituent county. The
43 president of the college shall serve as an ex officio member of the
44 board of trustees without vote. In addition, the student body of each
45 county college shall be entitled to elect from the graduating class
46 one representative to serve as a member on the board of trustees for
47 a term of one year commencing at the first meeting of the board in
48 July following graduation of his class. The student representative

1 may be granted voting rights by a majority vote of the members of
2 the board of trustees. If the board of trustees grants the student
3 representative voting rights and all members of the board are
4 present at the board meeting and there is a tie vote, the chairman
5 shall break the tie.

6 The appointing authority of the county shall establish a trustee
7 search committee of not less than five members who shall be
8 residents of the county. The members of the trustee search
9 committee shall not be elected public officials and shall not be
10 eligible for appointment to the board of trustees for a period of six
11 months after their service on the trustee search committee. The
12 trustee search committee shall nominate individuals for
13 consideration by the appointing authority of the county for
14 appointment to the board of trustees.

15 When a county college is established by more than one county,
16 the board of trustees shall be increased by two members for each
17 additional participating county. The membership of the board of
18 trustees shall be apportioned by the commission among the several
19 counties as nearly as may be according to the number of inhabitants
20 in each county as shown by the last federal census, officially
21 promulgated in this State. Each apportionment shall continue in
22 effect until a reapportionment shall become necessary by reason of
23 the official promulgation of the next federal census or the
24 enlargement of the board by the admission of one or more
25 additional counties as provided for in section 18A:64A-24. Each
26 county shall be entitled to have at least two members and the
27 **[county]** regional superintendent of the schools of said county on
28 the board of trustees.

29 (cf: P.L.2007, c.147, s.1)

30

31 132. Section 3 of P.L.1974, c.89 (C.18A:64A-32) is amended to
32 read as follows:

33 3. The community college commission shall consist of the
34 **[county]** regional superintendent of schools and nine public
35 members who are residents of the county and have resided therein
36 for a period of four years prior to their appointment having no
37 official connection with educational institutions contracting with
38 the commission. No elected public official shall serve as a voting
39 member of the commission. The president of the commission shall
40 be an ex officio member of the commission without vote.

41 Seven of the public members shall be appointed by the
42 appointing authority of the county, with the advice and consent of
43 the board of chosen freeholders, and two of the members shall be
44 appointed by the Governor, for such initial terms as shall be
45 established by the board. Members shall be appointed for terms of
46 four years each, except that the initial appointments shall be made
47 in four classes as nearly equal as possible in number, one class to
48 serve for one year, one class to serve for two years, one class to

1 serve for three years, and one class to serve for four years. The
2 term of all members of the commission shall begin on July 1.
3 Members initially appointed to the commission may serve from the
4 time of their respective appointments, but the term of such office
5 shall be deemed to commence as of July 1 of the year in which the
6 appointment was made. Each member shall serve until his
7 successor shall have been appointed and qualified. Vacancies shall
8 be filled in the same manner as the original appointments and for
9 the remainder of the unexpired terms. Any appointed member may
10 be removed by the appointing authority of the county for cause
11 upon notice and opportunity to be heard. The members of the
12 commission shall serve without compensation for their services, but
13 shall be entitled to receive reimbursement for all reasonable and
14 necessary expenses incurred by virtue of services as a member of
15 the commission.

16 A voting member of a community college commission shall not
17 be eligible to accept employment of the college at which he has
18 served as a member of the commission for a period of two years
19 following resignation or expiration of his term as a member.

20 The appointing authority of the county shall establish a trustee
21 search committee of not less than five members who shall be
22 residents of the county. The members of the trustee search
23 committee shall not be elected public officials and shall not be
24 eligible for appointment to the board of trustees for a period of six
25 months after their service on the trustee search committee. The
26 trustee search committee shall nominate persons for consideration
27 by the appointing authority of the county for appointment to the
28 board of trustees.

29 (cf: P.L.1994, c.48, s.151)

30

31 133. Section 4 of P.L.1974, c.89 (C.18A:64A-33) is amended to
32 read as follows:

33 4. When a community college commission is established by
34 more than one county, the number of public members shall be
35 increased by two for each additional participating county. Each
36 county shall also be represented by the **【county】 regional**
37 superintendent of schools of the region in which the county is
38 situate.

39 (cf: P.L.1981, c.329, s.8)

40

41 134. Section 6 of P.L.1982, c.42 (C.18A:64A-55) is amended to
42 read as follows:

43 6. The board of trustees shall include seven public trustees,
44 consisting of the **【county】 regional** superintendent of schools, four
45 members appointed by the board of chosen freeholders, and two
46 citizens of the county appointed by the Governor, and four trustees
47 appointed by the board of governors from among its members.
48 However, no trustee shall be appointed after July 1, 1994 who is an

1 employee of a constituent county. In addition, the student body
2 shall be entitled to elect from the graduating class one
3 representative to serve as a member of the board of trustees for a
4 term of one year commencing at the first meeting of the board in
5 July following graduation of his class. The student representative
6 may be granted voting rights by a majority vote of the members of
7 the board of trustees. If the board of trustees grants the student
8 representative voting rights and all members of the board are
9 present at the board meeting and there is a tie vote, the chairman
10 shall break the tie.

11 All appointive members shall be residents of the county for a
12 period of four years prior to appointment and no elected public
13 official or employee of the county college shall serve as a voting
14 member of the board. The terms of office of the appointive
15 members shall be four years, except for the first appointment.
16 Terms of those initially appointed by the chairman of the board of
17 chosen freeholders shall expire, respectively, one, two, three and
18 four years after appointment. Of those appointed by the Governor,
19 one person shall be appointed for a term of two years and one for a
20 term of four years. Of the members appointed by the board of
21 governors, one person shall be appointed for a term of one year, one
22 for a term of two years, one for a term of three years, and one for a
23 term of four years.

24 Each member shall serve until his successor is appointed and
25 qualified.

26 Vacancies shall be filled in the same manner as the original
27 appointment for the unexpired term. Upon notice and opportunity
28 to be heard, an appointee may be removed for cause by the body
29 originally making the appointment. Members shall serve without
30 compensation but shall be entitled to be reimbursed for all
31 reasonable and necessary expenses.

32 (cf: P.L.2007, c.147, s.2)

33

34 135. N.J.S.18A:66-2 is amended to read as follows:

35 18A:66-2. As used in this article:

36 a. "Accumulated deductions" means the sum of all the
37 amounts, deducted from the compensation of a member or
38 contributed by or in behalf of the member, including interest
39 credited to January 1, 1956, standing to the credit of the member's
40 individual account in the annuity savings fund.

41 b. "Annuity" means payments for life derived from the
42 accumulated deductions of a member as provided in this article.

43 c. "Beneficiary" means any person receiving a retirement
44 allowance or other benefit as provided in this article.

45 d. (1) "Compensation" means the contractual salary, for
46 services as a teacher as defined in this article, which is in
47 accordance with established salary policies of the member's
48 employer for all employees in the same position but shall not

1 include individual salary adjustments which are granted primarily in
2 anticipation of the member's retirement or additional remuneration
3 for performing temporary or extracurricular duties beyond the
4 regular school day or the regular school year.

5 (2) In the case of a person who becomes a member of the
6 retirement system on or after July 1, 2007, "compensation" means
7 the amount of the contractual salary equivalent to the annual
8 maximum wage contribution base for Social Security, pursuant to
9 the Federal Insurance Contributions Act, for services as a teacher as
10 defined in this article, which is in accordance with established
11 salary policies of the member's employer for all employees in the
12 same position but shall not include individual salary adjustments
13 which are granted primarily in anticipation of the member's
14 retirement or additional remuneration for performing temporary or
15 extracurricular duties beyond the regular school day or the regular
16 school year. This paragraph shall not apply to a person who at the
17 time of enrollment in the retirement system on or after July 1, 2007
18 transfers service credit from another State-administered retirement
19 system pursuant to N.J.S.18A:66-15.1, but shall apply to a former
20 member of the retirement system who has been granted a retirement
21 allowance and is reenrolled in the retirement system on or after July
22 1, 2007 pursuant to N.J.S.18A:66-53.2 after becoming employed
23 again in a position that makes the person eligible to be a member of
24 the retirement system.

25 For the period of July 1, 2009 through June 30, 2011,
26 "contractual salary" for State employees shall include wage
27 increases under a collective negotiations agreement notwithstanding
28 that, by amendment to that collective negotiations agreement, the
29 effective date of the contractual increase has been deferred. For the
30 purpose of this paragraph, "State employee" means an employee in
31 the Executive Branch of State government of New Jersey.

32 e. "Employer" means the State, the board of education or any
33 educational institution or agency of or within the State by which a
34 teacher is paid.

35 f. (1) "Final compensation" means the average annual
36 compensation for which contributions are made for the three years
37 of creditable service in New Jersey immediately preceding the
38 member's retirement or death, or it shall mean the average annual
39 compensation for New Jersey service for which contributions are
40 made during any three fiscal years of his or her membership
41 providing the largest possible benefit to the member or the
42 member's beneficiary.

43 (2) In the case of a person who becomes a member of the
44 retirement system on or after the effective date of P.L.2010, c.1,
45 "final compensation" means the average annual compensation for
46 which contributions are made for the five years of creditable service
47 in New Jersey immediately preceding the member's retirement or
48 death, or it shall mean the average annual compensation for New

1 Jersey service for which contributions are made during any five
2 fiscal years of his or her membership providing the largest possible
3 benefit to the member or the member's beneficiary.

4 g. "Fiscal year" means any year commencing with July 1, and
5 ending with June 30, next following.

6 h. "Pension" means payments for life derived from
7 appropriations made by the State or employers to the Teachers'
8 Pension and Annuity Fund.

9 i. "Annuity reserve" means the present value of all payments
10 to be made on account of any annuity or benefit in lieu of an
11 annuity, granted under the provisions of this article, computed on
12 the basis of such mortality tables recommended by the actuary as
13 the board of trustees adopts, with regular interest.

14 j. "Pension reserve" means the present value of all payments to
15 be made on account of any pension or benefit in lieu of a pension
16 granted to a member from the Teachers' Pension and Annuity Fund,
17 computed on the basis of such mortality tables recommended by the
18 actuary as the board of trustees adopts, with regular interest.

19 k. "Present-entrant" means any member of the Teachers'
20 Pension and Annuity Fund who had established status as a "present-
21 entrant member" of said fund prior to January 1, 1956.

22 l. "Rate of contribution initially certified" means the rate of
23 contribution certified by the retirement system in accordance with
24 N.J.S.18A:66-29.

25 m. "Regular interest" shall mean interest as determined by the
26 State Treasurer, after consultation with the Directors of the
27 Divisions of Investment and Pensions, the board of trustees and the
28 actuary. It shall bear a reasonable relationship to the percentage rate
29 of earnings on investments based on the market value of assets but
30 shall not exceed the assumed percentage rate of increase applied to
31 salaries plus 3%, provided however that the board of trustees shall
32 not set the average percentage rate of increase applied to salaries
33 below 6%.

34 n. "Retirement allowance" means the pension plus the annuity.

35 o. "School service" means any service as a "teacher" as defined
36 in this section.

37 p. "Teacher" means any regular teacher, special teacher,
38 helping teacher, teacher clerk, principal, vice-principal, supervisor,
39 supervising principal, director, superintendent, city superintendent,
40 assistant city superintendent, **[county]** regional superintendent,
41 State Commissioner or Assistant Commissioner of Education,
42 members of the State Department of Education who are certificated,
43 unclassified professional staff and other members of the teaching or
44 professional staff of any class, public school, high school, normal
45 school, model school, training school, vocational school, truant
46 reformatory school, or parental school, and of any and all classes or
47 schools within the State conducted under the order and
48 superintendence, and wholly or partly at the expense of the State

1 Board of Education, of a duly elected or appointed board of
2 education, board of school directors, or board of trustees of the
3 State or of any school district or normal school district thereof, and
4 any persons under contract or engagement to perform one or more
5 of these functions. It shall also mean any person who serves, while
6 on an approved leave of absence from regular duties as a teacher, as
7 an officer of a local, county or State labor organization which
8 represents, or is affiliated with an organization which represents,
9 teachers as defined in this subsection. No person shall be deemed a
10 teacher within the meaning of this article who is a substitute
11 teacher. In all cases of doubt the board of trustees shall determine
12 whether any person is a teacher as defined in this article.

13 q. "Teachers' Pension and Annuity Fund," hereinafter referred
14 to as the "retirement system" or "system," is the corporate name of
15 the arrangement for the payment of retirement allowances and other
16 benefits under the provisions of this article, including the several
17 funds placed under said system. By that name all its business shall
18 be transacted, its funds invested, warrants for money drawn, and
19 payments made and all of its cash and securities and other property
20 held.

21 r. "Veteran" means any honorably discharged officer, soldier,
22 sailor, airman, marine or nurse who served in any Army, Air Force
23 or Navy of the Allies of the United States in World War I between
24 July 14, 1914, and November 11, 1918, or who served in any Army,
25 Air Force or Navy of the Allies of the United States in World War
26 II, between September 1, 1939, and September 2, 1945, and who
27 was inducted into such service through voluntary enlistment, and
28 was a citizen of the United States at the time of such enlistment, and
29 who did not, during or by reason of such service, renounce or lose
30 United States citizenship, and any officer, soldier, sailor, marine,
31 airman, nurse or army field clerk who has served in the active
32 military or naval service of the United States and has or shall be
33 discharged or released therefrom under conditions other than
34 dishonorable, in any of the following wars, uprisings, insurrections,
35 expeditions or emergencies, and who has presented to the retirement
36 system evidence of such record of service in form and content
37 satisfactory to said retirement system:

38 (1) The Indian wars and uprisings during any of the periods
39 recognized by the War Department of the United States as periods
40 of active hostility;

41 (2) The Spanish-American War between April 20, 1898, and
42 April 11, 1899;

43 (3) The Philippine insurrections and expeditions during the
44 periods recognized by the War Department of the United States as
45 of active hostility from February 4, 1899, to the end of 1913;

46 (4) The Peking relief expedition between June 20, 1900, and
47 May 27, 1902;

- 1 (5) The army of Cuban occupation between July 18, 1898, and
2 May 20, 1902;
- 3 (6) The army of Cuban pacification between October 6, 1906,
4 and April 1, 1909;
- 5 (7) The Mexican punitive expedition between March 14, 1916,
6 and February 7, 1917;
- 7 (8) The Mexican border patrol, having actually participated in
8 engagements against Mexicans between April 12, 1911, and June
9 16, 1919;
- 10 (9) World War I, between April 6, 1917, and November 11,
11 1918;
- 12 (10) World War II, between September 16, 1940, and December
13 31, 1946, who shall have served at least 90 days in such active
14 service, exclusive of any period of assignment (1) for a course of
15 education or training under the Army Specialized Training Program
16 or the Navy College Training Program, which course was a
17 continuation of a civilian course and was pursued to completion, or
18 (2) as a cadet or midshipman at one of the service academies, any
19 part of which 90 days was served between said dates; provided that
20 any person receiving an actual service-incurred injury or disability
21 shall be classed as a veteran, whether or not that person has
22 completed the 90-day service as herein provided;
- 23 (11) Korean conflict on or after June 23, 1950, and on or prior to
24 January 31, 1955, who shall have served at least 90 days in such
25 active service, exclusive of any period of assignment (1) for a
26 course of education or training under the Army Specialized
27 Training Program or the Navy College Training Program, which
28 course was a continuation of a civilian course and was pursued to
29 completion, or (2) as a cadet or midshipman at one of the service
30 academies, any part of which 90 days was served between said
31 dates; provided that any person receiving an actual service-incurred
32 injury or disability shall be classed as a veteran, whether or not that
33 person has completed the 90-day service as herein provided; and
34 provided further that any member classed as a veteran pursuant to
35 this subsection prior to August 1, 1966, shall continue to be classed
36 as a veteran, whether or not that person completed the 90-day
37 service between said dates as herein provided;
- 38 (12) Lebanon crisis, on or after July 1, 1958, who has served in
39 Lebanon or on board any ship actively engaged in patrolling the
40 territorial waters of that nation for a period, continuous or in the
41 aggregate, of at least 14 days commencing on or before November
42 1, 1958 or the date of termination of that conflict, as proclaimed by
43 the President of the United States or Congress, whichever date of
44 termination is the latest, in such active service; provided, that any
45 person receiving an actual service-incurred injury or disability shall
46 be classed as a veteran whether or not that person has completed the
47 14 days' service as herein provided;

1 (13) Vietnam conflict, on or after December 31, 1960, and on or
2 prior to May 7, 1975, who shall have served at least 90 days in such
3 active service, exclusive of any period of assignment (1) for a
4 course of education or training under the Army Specialized
5 Training Program or the Navy College Training Program, which
6 course was a continuation of a civilian course and was pursued to
7 completion, or (2) as a cadet or midshipman at one of the service
8 academies, any part of which 90 days was served between said
9 dates; and exclusive of any service performed pursuant to the
10 provisions of section 511(d) of Title 10, United States Code,
11 pursuant to an enlistment in the Army National Guard or as a
12 reserve for service in the Army Reserve, Naval Reserve, Air Force
13 Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided
14 that any person receiving an actual service-incurred injury or
15 disability shall be classed as a veteran, whether or not that person
16 has completed the 90-day service as herein provided;

17 (14) Lebanon peacekeeping mission, on or after September 26,
18 1982, who has served in Lebanon or on board any ship actively
19 engaged in patrolling the territorial waters of that nation for a
20 period, continuous or in the aggregate, of at least 14 days
21 commencing on or before December 1, 1987 or the date of
22 termination of that mission, as proclaimed by the President of the
23 United States or Congress, whichever date of termination is the
24 latest, in such active service; provided, that any person receiving an
25 actual service-incurred injury or disability shall be classed as a
26 veteran whether or not that person has completed the 14 days'
27 service as herein provided;

28 (15) Grenada peacekeeping mission, on or after October 23,
29 1983, who has served in Grenada or on board any ship actively
30 engaged in patrolling the territorial waters of that nation for a
31 period, continuous or in the aggregate, of at least 14 days
32 commencing on or before November 21, 1983 or the date of
33 termination of that mission, as proclaimed by the President of the
34 United States or Congress, whichever date of termination is the
35 latest, in such active service; provided, that any person receiving an
36 actual service-incurred injury or disability shall be classed as a
37 veteran whether or not that person has completed the 14 days'
38 service as herein provided;

39 (16) Panama peacekeeping mission, on or after December 20,
40 1989 or the date of inception of that mission, as proclaimed by the
41 President of the United States or Congress, whichever date of
42 inception is earliest, who has served in Panama or on board any ship
43 actively engaged in patrolling the territorial waters of that nation for
44 a period, continuous or in the aggregate, of at least 14 days
45 commencing on or before January 31, 1990 or the date of
46 termination of that mission, as proclaimed by the President of the
47 United States or Congress, whichever date of termination is the
48 latest, in such active service; provided, that any person receiving an

1 actual service-incurred injury or disability shall be classed as a
2 veteran whether or not that person has completed the 14 days'
3 service as herein provided;

4 (17) Operation "Desert Shield/Desert Storm" mission in the
5 Arabian peninsula and the Persian Gulf, on or after August 2, 1990
6 or the date of inception of that operation, as proclaimed by the
7 President of the United States or Congress, whichever date of
8 inception is earliest, who has served in the Arabian peninsula or on
9 board any ship actively engaged in patrolling the Persian Gulf for a
10 period, continuous or in the aggregate, of at least 14 days
11 commencing on or before the date of termination of that mission, as
12 proclaimed by the President of the United States or Congress,
13 whichever date of termination is the latest, in such active service;
14 provided, that any person receiving an actual service-incurred injury
15 or disability shall be classed as a veteran whether or not that person
16 has completed the 14 days' service as herein provided;

17 (18) Operation Northern Watch and Operation Southern Watch,
18 on or after August 27, 1992, or the date of inception of that
19 operation, as proclaimed by the President of the United States,
20 Congress or United States Secretary of Defense, whichever date of
21 inception is earliest, who served in the theater of operation,
22 including in the Arabian peninsula and the Persian Gulf, and in
23 direct support of that operation for a period, continuously or in the
24 aggregate, of at least 14 days in such active service, commencing on
25 or before the date of termination of the operation, as proclaimed by
26 the President of the United States, Congress or United States
27 Secretary of Defense, whichever date of termination is latest;
28 provided, that any person receiving an actual service-incurred injury
29 or disability while engaged in such service shall be classed as a
30 veteran whether or not that person has completed the 14 days'
31 service as herein provided;

32 (19) Operation "Restore Hope" in Somalia, on or after
33 December 5, 1992, or the date of inception of that operation as
34 proclaimed by the President of the United States or Congress,
35 whichever date is earliest, who has served in Somalia or on board
36 any ship actively engaged in patrolling the territorial waters of that
37 nation for a period, continuously or in the aggregate, of at least 14
38 days in such active service commencing on or before March 31,
39 1994; provided that any person receiving an actual service-incurred
40 injury or disability shall be classed as a veteran whether or not that
41 person has completed the 14-day service as herein provided;

42 (20) Operations "Joint Endeavor" and "Joint Guard" in the
43 Republic of Bosnia and Herzegovina, on or after November 20,
44 1995, who served in such active service in direct support of one or
45 both of the operations for at least 14 days, continuously or in the
46 aggregate, commencing on or before June 20, 1998, and (1) was
47 deployed in that nation or in another area in the region, or (2) was
48 on board a United States naval vessel operating in the Adriatic Sea,

1 or (3) operated in airspace above the Republic of Bosnia and
2 Herzegovina; provided that any person receiving an actual service-
3 incurred injury or disability shall be classed as a veteran whether or
4 not that person completed the 14-day service requirement;

5 (21) Operation "Enduring Freedom", on or after September 11,
6 2001, who served in a theater of operation and in direct support of
7 that operation for a period, continuously or in the aggregate, of at
8 least 14 days in such active service commencing on or before the
9 date the President of the United States or the United States
10 Secretary of Defense designates as the termination date of that
11 operation; provided, that any person receiving an actual service-
12 incurred injury or disability while engaged in such service shall be
13 classed as a veteran whether or not that person has completed the 14
14 days' service as herein provided; and

15 (22) Operation "Iraqi Freedom", on or after the date the
16 President of the United States or the United States Secretary of
17 Defense designates as the inception date of that operation, who
18 served in Iraq or in another area in the region in direct support of
19 that operation for a period, continuously or in the aggregate, of at
20 least 14 days in such active service commencing on or before the
21 date the President of the United States or the United States
22 Secretary of Defense designates as the termination date of that
23 operation; provided, that any person receiving an actual service-
24 incurred injury or disability while engaged in such service shall be
25 classed as a veteran whether or not that person has completed the 14
26 days' service as herein provided.

27 "Veteran" also means any honorably discharged member of the
28 American Merchant Marine who served during World War II and is
29 declared by the United States Department of Defense to be eligible
30 for federal veterans' benefits.

31 s. "Child" means a deceased member's unmarried child either
32 (a) under the age of 18 or (b) of any age who, at the time of the
33 member's death, is disabled because of mental retardation or
34 physical incapacity, is unable to do any substantial, gainful work
35 because of the impairment and the impairment has lasted or can be
36 expected to last for a continuous period of not less than 12 months,
37 as affirmed by the medical board.

38 t. (1) "Widower," for employees of the State, means the man to
39 whom a member was married, or a domestic partner as defined in
40 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
41 the date of her death and to whom she continued to be married or a
42 domestic partner until the date of her death and who was receiving
43 at least one-half of his support from the member in the 12-month
44 period immediately preceding the member's death or the accident
45 which was the direct cause of the member's death. The dependency
46 of such a widower will be considered terminated by marriage of, or
47 establishment of a domestic partnership by, the widower subsequent

1 to the death of the member. In the event of the payment of an
2 accidental death benefit, the five-year qualification shall be waived.

3 (2) Subject to the provisions of paragraph (3) of this subsection,
4 "widower," for employees of public employers other than the State,
5 means the man to whom a member was married at least five years
6 before the date of her death and to whom she continued to be
7 married until the date of her death and who was receiving at least
8 one-half of his support from the member in the 12-month period
9 immediately preceding the member's death or the accident which
10 was the direct cause of the member's death. The dependency of such
11 a widower shall be considered terminated by marriage of the
12 widower subsequent to the death of the member. In the event of the
13 payment of an accidental death benefit, the five-year qualification
14 shall be waived.

15 (3) A public employer other than the State may adopt a
16 resolution providing that the term "widower" as defined in
17 paragraph (2) of this subsection shall include domestic partners as
18 provided in paragraph (1) of this subsection.

19 u. (1) "Widow," for employees of the State, means the woman
20 to whom a member was married, or a domestic partner as defined in
21 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
22 the date of his death and to whom he continued to be married or a
23 domestic partner until the date of his death and who was receiving
24 at least one-half of her support from the member in the 12-month
25 period immediately preceding the member's death or the accident
26 which was the direct cause of the member's death. The dependency
27 of such a widow will be considered terminated by the marriage of,
28 or establishment of a domestic partnership by, the widow
29 subsequent to the member's death. In the event of the payment of an
30 accidental death benefit, the five-year qualification shall be waived.

31 (2) Subject to the provisions of paragraph (3) of this subsection,
32 "widow," for employees of public employers other than the State,
33 means the woman to whom a member was married at least five
34 years before the date of his death and to whom he continued to be
35 married until the date of his death and who was receiving at least
36 one-half of her support from the member in the 12-month period
37 immediately preceding the member's death or the accident which
38 was the direct cause of the member's death. The dependency of such
39 a widow shall be considered terminated by the marriage of the
40 widow subsequent to the member's death. In the event of the
41 payment of an accidental death benefit, the five-year qualification
42 shall be waived.

43 (3) A public employer other than the State may adopt a
44 resolution providing that the term "widower" as defined in
45 paragraph (2) of this subsection shall include domestic partners as
46 provided in paragraph (1) of this subsection.

47 v. "Parent" means the parent of a member who was receiving at
48 least one-half of the parent's support from the member in the 12-

1 month period immediately preceding the member's death or the
2 accident which was the direct cause of the member's death. The
3 dependency of such a parent will be considered terminated by
4 marriage of the parent subsequent to the death of the member.

5 w. "Medical board" means the board of physicians provided for
6 in N.J.S.18A:66-56.

7 x. (1) "Spouse," for employees of the State, means the husband
8 or wife, or domestic partner as defined in section 3 of P.L.2003,
9 c.246 (C.26:8A-3), of a member.

10 (2) Subject to the provisions of paragraph (1) of this subsection,
11 "spouse," for employees of public employers other than the State,
12 means the husband or wife of a member.

13 (3) A public employer other than the State may adopt a
14 resolution providing that the term "spouse" as defined in paragraph
15 (2) of this subsection shall include domestic partners as provided in
16 paragraph (1) of this subsection.

17 (cf: P.L.2010, c.1, s.20)

18

19 136. N.J.S.18A:66-96 is amended to read as follows:

20 18A:66-96. For the purpose of forming such a corporation the
21 **【county】 regional** superintendent of schools **【in each county of the**
22 **first class】** shall notify in writing each and every employee of the
23 several boards of education of the school districts **【in his county】**
24 located in his region and in a county of the first class, except such
25 as are entitled to benefits under another pension law which may
26 have been enacted prior to April 16, 1929, for the benefit of
27 employees of boards of education, to attend a meeting to be held not
28 less than five days after the giving of the notice, to consider the
29 formation of a corporation in accordance with this article. The
30 notice shall specify the time and place of the meeting of such
31 employees.

32 If two thirds of the employees present at the meeting adopt a
33 resolution to form the corporation, they shall choose a name for the
34 corporation, and organize by electing four of such employees who,
35 together with the **【county】 regional** superintendent as a member ex
36 officio, shall constitute a board of trustees.

37 The first trustees shall prepare and sign a certificate reciting the
38 adoption of the resolution by the employees, the name adopted, the
39 election of trustees, the organization, the names of officers, and the
40 execution of the certificate, for the purpose of forming a
41 corporation under this article. The certificate shall be recorded in
42 the office of the clerk of the county wherein the corporation is
43 organized, and shall then be filed in the office of the commissioner
44 of banking and insurance. Thereupon such trustees, their associates
45 and successors, shall become a body politic and corporate with all
46 the power incident thereto.

47 (cf: N.J.S.18A:66-96)

1 137. N.J.S.18A:66-118 is amended to read as follows:

2 18A:66-118. The **【county】 regional** superintendent of schools is
3 hereby authorized and permitted to purchase from one or more life
4 insurance companies, a policy or policies of group life insurance to
5 provide for the noncontributory death benefit and the contributory
6 death benefit as provided in section 18A:66-117.
7 (cf: N.J.S.18A:66-118)

8

9 138. N.J.S.18A:66-120 is amended to read as follows:

10 18A:66-120. a. In the event the **【county】 regional** superintendent
11 of schools shall determine to purchase group life insurance
12 coverage for the noncontributory death benefits, premiums for the
13 same shall be paid from a special fund, hereby created, called the
14 "group insurance premium fund." The **【county】 regional**
15 superintendent of schools shall estimate annually the amount of
16 premiums which will be required for such benefits for the ensuing
17 fiscal year and shall certify such amounts to the participating
18 employers as due and owing from them. The participating
19 employers shall pay over to the **【county】 regional** superintendent of
20 schools the amount for premiums so certified and the **【county】**
21 regional superintendent of schools shall deposit these amounts in
22 the group insurance premium fund.

23 b. In the event that the **【county】 regional** superintendent of
24 schools shall determine to purchase group coverage for the
25 contributory death benefits, premiums for same shall be paid from a
26 special fund hereby created called the "contributory group
27 insurance premium fund." While such group coverage shall be in
28 force, the contributions from the compensation of members or on
29 behalf of members to provide such contributory death benefits shall
30 be accumulated in said contributory group insurance premium
31 fund.

32 c. Any dividend or retrospective rate credit allowed by an
33 insurance company shall be accredited to the aforesaid funds in an
34 equitable manner. During the period such group insurance policy or
35 policies are in effect, there shall be no commingling of the moneys
36 in said funds with any other fund established pursuant to this
37 article.

38 (cf: N.J.S.18A:66-120)

39

40 139. Section 3 of P.L.1973, c.8 (C.18A:66-126.11) is amended
41 to read as follows:

42 3. If Social Security coverage is extended to members of the
43 pension fund, the provisions of P.L.1956, c.169 shall apply to such
44 members of said pension fund subject to the following provisos:

45 a. Any member of the pension fund who was a member on or
46 before June 26, 1962 and who has or shall hereafter have credit in
47 the pension fund and the retirement system for 30 years or more as
48 an employee of a board of education, shall, upon application to the

1 board of trustees of the retirement system, be retired by such board
2 of trustees and shall thereupon receive annually, for and during the
3 remainder of his life, by way of a retirement allowance, an amount
4 equal to 1/60 of the average annual salary received by him during
5 the 3 years immediately preceding his retirement multiplied by the
6 number of years he has credit in the pension fund and the retirement
7 system as an employee of a board of education.

8 Any such retirement allowance payable under this subsection
9 shall be in lieu of the retirement benefits which would accrue to the
10 said employee under the retirement system or any retirement system
11 established by the State or any of its political subdivisions.

12 b. The transfer of prior service, contributing membership
13 credit, and the moneys attributable to the accounts of public
14 employee veteran members of the pension fund to the retirement
15 system shall not alter the service credit previously established.

16 c. All pensions granted by the pension fund shall be payable by
17 the retirement system in equal monthly installments.

18 d. All purchases of service credit contracted with the pension
19 fund shall be continued without alteration in terms of credit to be
20 established, the cost and the amount of the additional payroll
21 deductions prescribed for such purchase.

22 e. All reserves and moneys held by the insurance carrier under
23 contracts provided by employer and employee contributions to the
24 **[county]** regional superintendent of schools, the policyholder, shall
25 be transferred and merged with those maintained for all members of
26 the retirement system.

27 f. If a transferring member was not covered by either or both
28 noncontributory and contributory death benefit coverages, he may
29 be allowed the death benefits of the retirement system, provided,
30 however, that such member must furnish satisfactory evidence of
31 insurability and on the effective date of his membership in the
32 retirement system is actively at work and performing all his regular
33 duties at his customary place of employment. The effective date of
34 coverage for such benefits shall be on the first day of the month
35 which immediately follows the date when such evidence is
36 determined to be satisfactory.

37 Such evidence of insurability will not be required of any
38 transferring member if such member was covered by such benefits
39 immediately prior to the transfer.

40 (cf: P.L.1973, c.8, s.3)

41
42 140. R.S.19:17-3 is amended to read as follows:

43 19:17-3. After the district board shall have made up and
44 certified such statements, it shall at the same time and with the
45 ballot boxes, as hereinafter provided, deliver or safely transmit one
46 of the statements to the clerk of the municipality wherein such
47 election is held, who shall forthwith file the same. In counties
48 having a superintendent of elections one of such statements shall

1 forthwith be filed with the superintendent of elections of the county.
2 The superintendent may arrange to accept such certificates in such
3 municipality within the county at the office of the clerk of such
4 municipality or some other convenient place. Any municipal clerk
5 who shall refuse to permit such superintendent or his deputies or
6 assistants access to his office for the purpose of collecting such
7 certificates or any municipal clerk or other person who shall
8 interfere or obstruct the superintendent, his deputies or assistants in
9 the collection of such certificates, or any member of a district board
10 who shall willfully fail or refuse to deliver such statement to the
11 superintendent, his deputies or assistants as the case may be, shall
12 be guilty of a crime of the fourth degree. In all counties the board
13 shall, immediately after election, deliver or safely transmit another
14 of the statements to the clerk of the county, who shall forthwith file
15 the same.

16 For a school election a statement shall also be delivered to the
17 board of education of the district holding the election and to the
18 **【county】** regional superintendent of schools in the county in which
19 the district is situated.

20 If officers were voted for or public questions were voted upon at
21 the election by the voters of the entire State or of more than one
22 county thereof, or of a congressional district, then the board shall,
23 immediately after the election, inclose, seal up and transmit the
24 fourth statement to the Attorney General by mail in stamped
25 envelopes to be furnished by the Attorney General, addressing the
26 same in the following manner: "To the Attorney General of New
27 Jersey, Trenton, New Jersey." Upon receiving such statements the
28 Attorney General shall forthwith file the same in his office.

29 (cf: P.L.2005, c.154, s.4)

30

31 141. Section 4 of P.L.1983, c.531 (C.26:2B-33) is amended to
32 read as follows:

33 4. a. The governing body of each county, in conjunction with
34 the county agency, or individual, designated by the county with the
35 responsibility for planning services and programs for the care or
36 rehabilitation of alcoholics and drug abusers, shall submit to the
37 Deputy Commissioner for the Division of Alcoholism and Drug
38 Abuse and the Governor's Council on Alcoholism and Drug Abuse
39 an annual comprehensive plan for the provision of community
40 services to meet the needs of alcoholics and drug abusers.

41 b. The annual comprehensive plan shall address the needs of
42 urban areas with a population of 100,000 or over and shall
43 demonstrate linkage with existing resources which serve alcoholics
44 and drug abusers and their families. Special attention in the plan
45 shall be given to alcoholism and drug abuse and youth; drinking and
46 drug abusing drivers; women and alcoholism and drug abuse; the
47 disabled and alcoholism and drug abuse; alcoholism and drug abuse
48 on the job; alcoholism and drug abuse and crime; public

1 information; and educational programs as defined in subsection c.
2 of this section. Each county shall identify, within its annual
3 comprehensive plan, the Intoxicated Driver Resource Center which
4 shall service its population, as is required under subsection (f) of
5 R.S.39:4-50. The plan may involve the provision of programs and
6 services by the county, by an agreement with a State agency, by
7 private organizations, including volunteer groups, or by some
8 specified combination of the above.

9 If the State in any year fails to deposit the amount of tax receipts
10 as is required under section 3 of P.L.1983, c.531 (C.26:2B-32), a
11 county may reduce or eliminate, or both, the operation of existing
12 programs currently being funded from the proceeds deposited in the
13 Alcohol Education, Rehabilitation and Enforcement Fund.

14 c. Programs established with the funding for education from
15 the fund shall include all courses in the public schools required
16 pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for
17 students included in the annual comprehensive plan for each county,
18 and in-service training programs for teachers and administrative
19 support staff including nurses, guidance counselors, child study
20 team members, and librarians. All moneys dedicated to education
21 from the fund shall be allocated through the designated county
22 alcoholism and drug abuse agency and all programs shall be
23 consistent with the annual comprehensive county plan submitted to
24 the Deputy Commissioner for the Division of Alcoholism and Drug
25 Abuse and the Governor's Council on Alcoholism and Drug Abuse
26 pursuant to this section. Moneys dedicated to education from the
27 fund shall be first allocated in an amount not to exceed 20% of the
28 annual education allotment for the in-service training programs,
29 which shall be conducted in each county through the office of the
30 county alcoholism and drug abuse coordinator in consultation with
31 the **[county]** regional superintendent of schools, local boards of
32 education, local councils on alcoholism and drug abuse and
33 institutions of higher learning, including the Rutgers University
34 Center of Alcohol Studies. The remaining money in the education
35 allotment shall be assigned to offset the costs of programs such as
36 those which assist employees, provide intervention for staff
37 members, assist and provide intervention for students and focus on
38 research and educate about youth and drinking and using drugs.
39 These funds shall not replace any funds being currently spent on
40 education and training by the county.

41 d. The governing body of each county, in conjunction with the
42 county agency, or individual, designated by the county with
43 responsibility for services and programs for the care or
44 rehabilitation of alcoholics and drug abusers, shall establish a Local
45 Advisory Committee on Alcoholism and Drug Abuse to assist the
46 governing body in development of the annual comprehensive plan.
47 The advisory committee shall consist of no less than 10 nor more
48 than 16 members and shall be appointed by the governing body. At

1 least two of the members shall be recovering alcoholics and at least
2 two of the members shall be recovering drug abusers. The
3 committee shall include the county prosecutor or his designee, a
4 wide range of public and private organizations involved in the
5 treatment of alcohol and drug-related problems and other
6 individuals with interest or experience in issues concerning alcohol
7 and drug abuse. Each committee shall, to the maximum extent
8 feasible, represent the various socioeconomic, racial and ethnic
9 groups of the county in which it serves.

10 Within 60 days of the effective date of P.L.1989, c.51
11 (C.26:2BB-1 et al.), the Local Advisory Committee on Alcoholism
12 and Drug Abuse shall organize and elect a chairman from among its
13 members.

14 e. The Deputy Commissioner for the Division of Alcoholism
15 and Drug Abuse shall review the county plan pursuant to a
16 procedure developed by the deputy commissioner. In determining
17 whether to approve an annual comprehensive plan under this act,
18 the deputy commissioner shall consider whether the plan is
19 designed to meet the goals and objectives of the "Alcoholism
20 Treatment and Rehabilitation Act," P.L.1975, c.305 (C.26:2B-7 et
21 seq.) and the "Narcotic and Drug Abuse Control Act of 1969,"
22 P.L.1969, c.152 (C.26:2G-1 et seq.) and whether implementation of
23 the plan is feasible. Each county plan submitted to the deputy
24 commissioner shall be presumed valid; provided it is in substantial
25 compliance with the provisions of this act. Where the department
26 fails to approve a county plan, the county may request a court
27 hearing on that determination.

28 (cf: P.L.1990, c.41, s.5)

29

30 142. Section 8 of P.L.1989, c.51 (C.26:2BB-8) is amended to
31 read as follows:

32 8. a. Each Local Advisory Committee on Alcoholism and Drug
33 Abuse, established pursuant to section 4 of P.L.1983, c.531
34 (C.26:2B-33), shall establish a County Alliance Steering
35 Subcommittee in conjunction with regulations adopted by the
36 Governor's Council on Alcoholism and Drug Abuse. The members
37 of the subcommittee shall include, but not be limited to, private
38 citizens and representatives of the:

- 39 (1) Local Advisory Committee on Alcoholism and Drug Abuse;
- 40 (2) County Human Services Advisory Council;
- 41 (3) **【County】** Regional Superintendent of Schools;
- 42 (4) Existing county council on alcoholism, if any;
- 43 (5) County Prosecutor's office;
- 44 (6) Family part of the Chancery Division of the Superior Court;
- 45 (7) Youth Services Commission;
- 46 (8) County School Board Association;
- 47 (9) County health agency;
- 48 (10) County mental health agency;

1 (11) Local businesses;

2 (12) County affiliate of the New Jersey Education Association;
3 and

4 (13) Other service providers.

5 b. The functions of the County Alliance Steering Subcommittee
6 shall include:

7 (1) Development and submission of a County Annual Alliance
8 Plan for the expenditure of funds derived from the "Drug
9 Enforcement and Demand Reduction Fund," N.J.S. 2C:35-15;

10 (2) Development of programs and fiscal guidelines consistent
11 with directives of the Governor's Council on Alcoholism and Drug
12 Abuse for the awarding of funds to counties and municipalities for
13 drug and alcohol Alliance activities;

14 (3) Identification of a network of community leadership for the
15 expansion, replication and development of successful community
16 model programs throughout the county; and

17 (4) Coordination of projects among and within municipalities to
18 assure cost effectiveness and avoid fragmentation and duplication.

19 c. The County Alliance Steering Subcommittee shall ensure
20 that the funds dedicated to education pursuant to section 2 of
21 P.L.1983, c.531 (C.54:32C-3.1) do not duplicate the Alliance effort.

22 d. The Local Advisory Committee on Alcoholism and Drug
23 Abuse shall review and approve the County Annual Alliance Plan
24 and submit this plan by July 1 of each year to the Division of
25 Alcoholism and Drug Abuse in the Department of Health and to the
26 Governor's Council on Alcoholism and Drug Abuse.

27 e. After the County Annual Alliance Plan is returned by the
28 Governor's Council on Alcoholism and Drug Abuse to the Local
29 Advisory Committee on Alcoholism and Drug Abuse with the
30 council's proposed recommendations for awarding the Alliance
31 grants, pursuant to subsection c. of section 4 of this amendatory and
32 supplementary act, the committee, in conjunction with the council,
33 may revise its plan in accordance with the council's proposed
34 recommendations.

35 The revised plan shall be completed in such time that it can be
36 included in the council's recommendations to the Governor and the
37 Legislature that are due on December 1 of each year.

38 (cf: P.L.1989, c.51, s.8)

39

40 143. Section 38 of P.L.1977, c.435 (C.40:43-66.72) is amended
41 to read as follows:

42 38. If so provided in the plan of consolidation approved by the
43 voters of the participating municipalities pursuant to this act, from
44 and after the date of consolidation the school districts of the
45 consolidated municipalities shall be a single school district which
46 shall be administered pursuant to the provisions of Title 18A of the
47 New Jersey Statutes, subject to the following provisions:

48 a. If the school districts of the participating municipalities are

1 all classified as either a type I or type II district, such classification
2 shall be retained;

3 b. If the school districts of the participating municipalities are
4 classified as both type I and type II districts, the classification of the
5 single school districts within the consolidated municipality shall be
6 specified in the plan of consolidation;

7 c. If all of the participating municipalities are members of the
8 same regional school district, the consolidated municipality shall
9 continue as a member of such regional school district; provided,
10 however, that the consolidation commission may recommend that
11 the governing body of the consolidated municipality shall, by
12 resolution, apply forthwith to the **【county】 regional** superintendent
13 of schools to make an investigation as to the advisability of
14 constituting the consolidated municipality as a single school
15 district; and,

16 d. If one or more of the participating municipalities is a
17 member of a regional school district and the other participating
18 municipalities are not, the school districts existing at the time of
19 consolidation shall retain their territory and jurisdiction; provided,
20 however, that the consolidation commission may recommend that
21 the governing body of the consolidated municipality shall, by
22 resolution, apply forthwith to the **【county】 regional** superintendent
23 of schools to make an investigation as to the advisability of
24 constituting the consolidated municipality as a single school
25 district, or of enlarging such regional district so as to include all
26 the territory of the consolidated municipality.

27 (cf: P.L.1977, c.435, s.38)

28

29 144. Section 40 of P.L.1977, c.435 (C.40:43-66.74) is amended
30 to read as follows:

31 40. a. The members of the first board of a type I school district
32 shall be appointed and take office on the date of consolidation in the
33 manner provided in subarticle 4A of chapter 12 of Title 18A of the
34 New Jersey Statutes. All subsequent appointments of members
35 shall be made in accordance with that statute.

36 b. The members of the first board of a type II school district
37 shall be appointed by the **【county】 regional** superintendent of
38 schools, in accordance with the provisions of N.J.S.18A:13-38, and
39 shall take office on the date of consolidation. The first elected
40 members of the board shall be elected in the manner set forth in
41 N.J.S.18A:13-39. All subsequent elected members shall be elected
42 in the manner prescribed in subarticle 4B of chapter 12 of Title 18A
43 of the New Jersey Statutes.

44 c. When any of the participating municipalities is a member of
45 a regional school district, the respective board of education or each
46 of the boards of education in the participating municipalities shall
47 retain their territory and jurisdiction, and the members of such
48 board or boards of education shall continue in office after

1 consolidation until the completion of their terms of office. All
2 subsequent members shall be elected or appointed as provided by
3 law.

4 (cf: P.L.1977, c.435, s.40)

5

6 145. Section 25 of P.L.2007, c.63 (C.40A:65-25) is amended to
7 read as follows:

8 25. a. The Legislature finds and declares that in order to
9 encourage municipalities to increase efficiency through municipal
10 consolidation for the purpose of reducing expenses borne by their
11 property taxpayers, more flexible options need to be available to the
12 elected municipal officials and voters than are available through the
13 "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et
14 al.).

15 b. (1) In lieu of the procedures set forth in the "Municipal
16 Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et al.), the
17 governing bodies from two or more contiguous municipalities may
18 apply to the board for either:

19 (a) approval of a plan to consolidate their municipalities; or

20 (b) creation of a Municipal Consolidation Study Commission, as
21 described in subsection c. of this section.

22 (2) A representative committee of registered voters from two or
23 more contiguous municipalities may petition the board for the
24 creation of a Municipal Consolidation Study Commission, as
25 described in subsection c. of this section. The petition, to be
26 sufficient, shall be signed by the registered and qualified voters of
27 the municipalities in a number at least equal to 10% of the total
28 votes cast in those municipalities at the last preceding general
29 election at which members of the General Assembly were elected.
30 The board shall also accept a combination of applications from
31 local governing bodies, pursuant to subparagraph (b) of paragraph
32 (1) of this subsection, and petitions from representative committees
33 of registered voters, pursuant to this paragraph, from two or more
34 contiguous municipalities, requesting the creation of a Municipal
35 Consolidation Study Commission; however, if each municipality
36 submits an application from its governing body, any proposed
37 consolidation plan shall be approved by voter referendum in each of
38 the municipalities.

39 (3) The board shall provide application forms and technical
40 assistance to any governing bodies or voters desiring to apply to the
41 board for approval of a consolidation plan or the creation of a
42 Municipal Consolidation Study Commission.

43 (4) A consolidation commission established pursuant to
44 P.L.1977, c.435 (C.40:43-66.35 et seq.) in the year prior to
45 enactment of sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.)
46 may apply to the Local Finance Board for approval to use the
47 provisions of sections 25 through 29 of P.L.2007, c.63 (C.40A:65-
48 25 through C.40A:65-29).

1 c. An application to create a Municipal Consolidation Study
2 Commission shall propose a process to study the feasibility of
3 consolidating the participating municipalities into a single new
4 municipality or merging one into the other. The application shall
5 include provisions for:

6 (1) the means of selection and qualifications of study
7 commissioners;

8 (2) the timeframe for the study, which shall be no more than
9 three years, along with key events and deadlines, including time for
10 review of the report by State agencies, which review shall be no
11 less than three months;

12 (3) whether a preliminary report shall be issued in addition to
13 the final report;

14 (4) whether the development of a consolidation implementation
15 plan will be a part of the study;

16 (5) the means for any proposed consolidation plan to be
17 approved; either by voter referendum, by the governing bodies, or
18 both; and

19 (6) if proposed by a representative group of voters, justification
20 of that group's standing to serve as the community advocate for the
21 consolidation proposal.

22 d. (1) An application to the board for consideration of a
23 consolidation plan or to create a Municipal Consolidation Study
24 Commission shall be subject to a public hearing within each
25 municipality to be studied, and a joint public hearing in a place that
26 is easily accessible to the residents of both or all of the
27 municipalities.

28 (2) The public hearings shall be facilitated by the board and
29 conducted in accordance with the provisions of the "Senator Byron
30 M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et
31 seq.).

32 (3) After approval of a plan by the board, it may be amended
33 upon petition to the board by the applicant. Based on the nature of
34 the amendment, the board may decide to hold a public hearing in
35 any of the municipalities affected by the plan, or at a regular
36 meeting, or both.

37 e. Every Municipal Consolidation Study Commission shall
38 include a representative of the Department of Community Affairs as
39 a non-voting representative on the commission. The representative
40 shall not be a resident of a municipality participating in the study.
41 The department shall prepare an objective fiscal study of the fiscal
42 aspects of a consolidation and shall provide it to the commission in
43 a timely manner.

44 f. If the consolidation would include the consolidation of
45 boards of education, a person appointed by the Commissioner of
46 Education shall serve as a non-voting member of that Municipal
47 Consolidation Study Commission. The representative of the
48 Commissioner of Education shall not be a resident of a community

1 participating in the study. The **[county]** regional superintendent of
2 schools shall conduct a study on the impact of consolidation on the
3 educational system and its finances. The report shall be provided to
4 the commission in a timely manner.

5 g. There shall be no more than one of either a consolidation
6 plan study, a Municipal Consolidation Study Commission, or a joint
7 municipal consolidation created under the "Municipal
8 Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et al.), active
9 in a single municipality at the same time. In the event that more
10 than one application is filed with the board or is being considered
11 by the governing bodies while another action affecting the same
12 municipality or municipalities is under consideration, the board
13 shall consider the applications and shall join any proposed creation
14 of a joint municipal consolidation together and approve only one
15 action as the board deems to be in the public interest. Prior to
16 approving a single action, the board shall hold a public hearing
17 permitting all parties to present testimony on the merits of their
18 action in relation to the other proposals. Once an action is approved
19 by the board, another action from the same combination of
20 municipalities shall not be approved for at least five years.

21 h. In considering its decisions under sections 1 to 37 of
22 P.L.2007, c.63 (C.40A:65-1 et al.), the Local Finance Board and
23 any other State agency shall take into account local conditions, the
24 reasonableness of proposed decisions, and the facilitation of the
25 consolidation process in making decisions concerning
26 consolidation.

27 (cf: P.L.2011, c.55, s.1)

28

29 146. Section 1 of P.L.1997, c.257 (C.52:9DD-8) is amended to
30 read as follows:

31 1. a. There is hereby created the New Jersey Human Relations
32 Council, referred to hereinafter as the council, which shall promote
33 prejudice reduction education and address the problem of bias and
34 violent acts based on the victim's race, color, religion, national
35 origin, ethnicity, sexual orientation, gender or disability. The
36 council shall be a permanent, independent body in but not of the
37 Department of Law and Public Safety.

38 b. The council shall consist of an executive committee which
39 shall include ten public members who shall be representative of the
40 various ethnic; religious; national origin; racial; sexual orientation;
41 gender; and disabilities organizations in this State, of whom four
42 shall be appointed by the Governor, no more than two of whom
43 shall be of the same political party; three shall be appointed by the
44 President of the Senate, no more than two of whom shall be of the
45 same political party; and three shall be appointed by the Speaker of
46 the General Assembly, no more than two of whom shall be of the
47 same political party; two members of the Senate appointed by the
48 President of the Senate, no more than one of whom shall be of the

1 same political party; two members of the General Assembly
2 appointed by the Speaker of the General Assembly, no more than
3 one of whom shall be of the same political party; seven
4 representatives from county human relations commissions
5 representing the diversity of all county human relations
6 commissions from the 21 counties of the State appointed by the
7 Governor; and the following ex officio members: the Attorney
8 General of the State of New Jersey; the Secretary of State;
9 Commissioner of the Department of Education; the Commissioner
10 of the Department of Community Affairs; the Commissioner of the
11 Department of Corrections; the Commissioner of the Department of
12 Human Services; the Public Defender; the Director of the
13 Administrative Office of the Courts; the Director of the Division of
14 Criminal Justice; the Superintendent of the Division of State Police;
15 the Director of the Division on Civil Rights; the President of the
16 County Prosecutors Association of New Jersey; the President of the
17 New Jersey State Association of Chiefs of Police; the President of
18 the Bias Crime Officers Association of New Jersey; a [county
19 Superintendent of Schools] regional superintendent of schools
20 selected by the Commissioner of the Department of Education; the
21 President of the New Jersey Principals and Supervisors Association;
22 and the President of the New Jersey Education Association.

23 c. Of the public members first appointed to the council, six
24 shall be appointed for a term of three years, two shall be appointed
25 for terms of two years and two shall be appointed for a term of one
26 year. The seven county human relations commissions
27 representatives shall be appointed for terms of two years. The
28 legislative members appointed initially under this act shall serve
29 until the end of the legislative session in which the appointment is
30 made. Thereafter, the legislative members shall be appointed for
31 two-year terms to coincide with the two-year legislative term in
32 which they serve on the council. Thereafter, the public members
33 shall be appointed for terms of three years. Vacancies on the
34 council shall be filled in the same manner as the original
35 appointment but for the unexpired term. A chairperson and vice-
36 chairperson shall be selected from among the public members of the
37 council and the representatives from the county human relations
38 commissions. The council shall have the authority to establish
39 subcommittees as it deems appropriate and pursuant to this act. The
40 executive committee of the council shall adopt bylaws to govern the
41 council and elect officers from among the council members as it
42 deems appropriate and pursuant to this act.

43 d. Each ex officio member may designate a person from the
44 member's department or agency to represent the member at hearings
45 of the council. All designees may lawfully vote and otherwise act
46 on behalf of the member for whom they constitute the designee.
47 (cf: P.L.2003, c.201)

1 147. (New section) a. The Commissioner of Education shall
2 appoint, with the approval of the State Board of Education, a
3 regional superintendent of schools for the northern, central and
4 southern parts of the State. A regional superintendent shall hold an
5 appropriate certificate issued pursuant to this title and shall have
6 been a resident of the State for at least three years immediately
7 preceding his appointment. The regional superintendent shall serve,
8 unless sooner removed pursuant to law, for a term of three years
9 and thereafter until his successor is appointed and shall qualify.
10 The regional superintendent may be re-appointed by the
11 commissioner on the basis of a satisfactory performance assessment
12 required pursuant to subsection b. of this section.

13 b. A regional superintendent shall be subject to at least one
14 performance assessment during the three-year term. The
15 performance of the regional superintendent shall be assessed by the
16 commissioner based on the ability of the regional superintendent to
17 monitor and promote administrative and operational efficiencies
18 and cost savings within the school districts located in the region,
19 while enhancing the effectiveness of the districts in providing a
20 thorough and efficient system of education, and on their monitoring
21 of the school districts in the five key components of school district
22 effectiveness under the New Jersey Quality Single Accountability
23 Continuum: instruction and program; personnel; fiscal management;
24 operations; and governance. In establishing the standards for
25 assessing the performance of the regional superintendent in
26 facilitating administrative efficiencies, the commissioner shall
27 include such factors as administrator-to-teacher ratios,
28 administrator-to-student ratios, per-pupil administrative
29 expenditures, and improved student educational outcomes.

30
31 148. (New section) The Commissioner of Education may
32 designate any one of his assistant commissioners or, with the
33 approval of the State board, another suitable person to exercise the
34 powers and perform the duties of the regional superintendent
35 without additional compensation:

36 a. During any period when a regional superintendent is unable
37 to perform his duties by reason of illness, physical disability or for
38 any other cause; and

39 b. During any period when the office of regional
40 superintendent is vacant in any region by reason of the death or
41 resignation of the incumbent or for any other cause.

42
43 149. (New section) A regional superintendent of schools shall
44 receive such salary as shall be approved by the commissioner and
45 shall receive a salary which is not greater than the salary of a
46 cabinet-level official of the State.

1 Each regional superintendent shall receive, in addition to his
2 salary, the traveling and other expenses incurred by him in
3 conducting his office and performing his official duties.

4
5 150. (New section) The commissioner shall, subject to appeal to
6 the State board, cause to be withheld the payment of the salary and
7 expenses of any regional superintendent, who fails to perform
8 faithfully all of the duties imposed upon him by act or by the rules
9 of the State board, until he shall have performed all of such duties.

10
11 151. (New section) Each regional superintendent shall devote
12 his entire time to the duties of his office, and shall have general
13 supervision of all of the public schools of the districts of the
14 region.

15 The regional superintendent shall maintain an office at a suitable
16 location within the region which shall be open to the public. The
17 school records of the region shall be kept at the regional office for
18 the use of the State Department of Education and the United States
19 Department of Education.

20 The State shall be responsible for all costs of the regional
21 offices.

22
23 152. (New section) The regional superintendent shall appoint
24 such clerical assistants for the office as shall be deemed necessary
25 and fix their compensation within the limits of available
26 appropriations made therefor.

27
28 153. (New section) Each regional superintendent shall:

29 a. Visit and examine from time to time all of the schools under
30 his general supervision and exercise general supervision over them
31 in accordance with the rules prescribed from time to time by the
32 State board;

33 b. Keep himself informed as to the management, methods of
34 instruction and discipline and the courses of study and textbooks in
35 use, the condition of the school libraries, and the condition of the
36 real and personal property, particularly in respect to the
37 construction, heating, ventilation and lighting of school buildings,
38 in the local districts under his general supervision, and make
39 recommendations in connection therewith;

40 c. Advise with and counsel the boards of education of the local
41 districts under his general supervision and of any other district of
42 the region when so requested, in relation to the performance of
43 their duties;

44 d. Promote administrative and operational efficiencies and cost
45 savings within the school districts in the region while ensuring that
46 the districts provide a thorough and efficient system of education;

47 e. Based on standards adopted by the commissioner,
48 recommend to the commissioner, who is hereby granted the

- 1 authority to effectuate those recommendations, that certain school
2 districts be required to enter arrangements with one or more other
3 school districts or educational services commissions for the
4 consolidation of the district's administrative services;
- 5 f. Recommend to the commissioner the elimination of laws the
6 regional superintendent determines to be unnecessary State
7 education mandates, other than the categories of laws set forth in
8 section 3 of P.L.1996, c.24 (C.52:13H-3);
- 9 g. Eliminate districts located in the region that are not
10 operating schools on the effective date of P.L.2009, c.78 (C.18A:8-
11 43 et al.), in accordance with a plan and schedule included in the
12 plan submitted to and approved by the commissioner;
- 13 h. Recommend to the commissioner a school district
14 consolidation plan to eliminate all districts, other than county-based
15 districts and other than preschool or kindergarten through grade 12
16 districts in the region, through the establishment or enlargement of
17 regional school districts. After the approval of the plan by the
18 commissioner, the regional superintendent shall require each board
19 of education covered by a proposal in the plan to conduct a special
20 school election, at a time to be determined by the regional
21 superintendent, and submit thereat the question whether or not the
22 regional superintendent's proposal for the regionalization of the
23 school district shall be adopted. The question shall be deemed
24 adopted if it receives a vote in accordance with the provisions of
25 N.J.S.18A:13-5. If the question is adopted by the voters, then the
26 regional district shall be established or enlarged in accordance with
27 chapter 13 of Title 18A of the New Jersey Statutes;
- 28 i. Promote coordination and regionalization of pupil
29 transportation services through means such as reviewing bus routes
30 and schedules of school districts and nonpublic schools within the
31 region;
- 32 j. Review and approve, according to standards adopted by the
33 commissioner, all employment contracts for superintendents of
34 schools, assistant superintendents of schools, and school business
35 administrators in school districts within the region, prior to the
36 execution of those contracts;
- 37 k. Request the commissioner to order a forensic audit and to
38 select an auditor for any school district in the region upon the
39 determination by the regional superintendent, according to
40 standards adopted by the commissioner, that the accounting
41 practices in the district necessitate such an audit;
- 42 l. Review all school budgets of the school districts within the
43 region, and may, pursuant to section 5 of P.L.1996, c.138
44 (C.18A:7F-5), disapprove a portion of a school district's proposed
45 budget if he determines that the district has not implemented all
46 potential efficiencies in the administrative operations of the district
47 or if he determines that the budget includes excessive non-
48 instructional expenses. If the regional superintendent disapproves a

- 1 portion of the school district's budget pursuant to this paragraph, the
2 school district shall deduct the disapproved amounts from the
3 budget prior to publication of the budget, and during the budget
4 year the school district shall not transfer funds back into those
5 accounts;
- 6 m. Permit a district to submit to the voters a separate proposal
7 or proposals for additional funds pursuant to paragraph (9) of
8 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), only if:
9 (1) the district provides the regional superintendent with written
10 documentation that the district has made efforts to enter into shared
11 arrangements with other districts, municipalities, counties, and
12 other units of local government for the provision of administrative,
13 business, purchasing, public and nonpublic transportation, and other
14 required school district services; (2) the district certifies and
15 provides written documentation that the district participates in on-
16 going shared arrangements; or (3) the district certifies and provides
17 written documentation that entering such shared arrangements
18 would not result in cost savings or would result in additional
19 expenses for the district;
- 20 n. Promote cooperative purchasing within the region of
21 textbooks and other instructional materials;
- 22 o. Coordinate with the Department of Education to maintain a
23 real time Statewide and district-wide database that tracks the types
24 and capacity of special education programs being implemented by
25 each district and the number of students enrolled in each program to
26 identify program availability and needs;
- 27 p. Coordinate with the Department of Education to maintain a
28 Statewide and district-wide list of all special education students
29 served in out-of-district programs and a list of all public and private
30 entities approved to receive special education students that includes
31 pertinent information such as audit results and tuition charges;
- 32 q. Serve as a referral source for districts that do not have
33 appropriate in-district programs for special education students and
34 provide those districts with information on placement options in
35 other school districts;
- 36 r. Conduct regional planning and identification of program
37 needs for the development of in-district special education programs;
- 38 s. Serve as a liaison to facilitate shared special education
39 services within the region including, but not limited to direct
40 services, personnel development, and technical assistance;
- 41 t. Work with districts to develop in-district special education
42 programs and services including providing training in inclusive
43 education, positive behavior supports, transition to adult life, and
44 parent-professional collaboration;
- 45 u. Provide assistance to districts in budgetary planning for
46 resource realignment and reallocation to direct special education
47 resources into the classroom;

1 v. Report on a regular basis to the commissioner on progress in
2 achieving the goal of increasing the number of special education
3 students educated in appropriate programs with non-disabled
4 students;

5 w. Render a report to the commissioner annually on or before
6 September 1, in the manner and form prescribed by him, of such
7 matters relating to the schools under his jurisdiction as the
8 commissioner shall require; and

9 x. Perform such other duties as shall be prescribed by law.

10 Any budgetary action of the regional superintendent under this
11 section may be appealed directly to the commissioner, who shall
12 render a decision within 15 days of the receipt of the appeal. If the
13 commissioner fails to issue a decision within 15 days of the filing of
14 an appeal, the budgetary action of the regional superintendent shall
15 be deemed approved. The commissioner shall by regulation
16 establish a procedure for such appeals.

17 Nothing in this section shall be construed or interpreted to
18 contravene or modify the provisions of the "New Jersey Employer-
19 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or
20 to limit or restrict the scope of negotiations as provided pursuant to
21 law, or to require an employer to enter into a subcontracting
22 agreement which affects the employment of any employee in a
23 collective bargaining unit represented by a majority representative
24 during the time that an existing collective bargaining agreement
25 with the majority representative is in effect.

26 Nothing in this section is intended to interfere with a school
27 district's ability to provide a thorough and efficient education.

28

29 154. (New section) The regional superintendent may, without
30 charge, administer oaths.

31

32 155. (New section) The commissioner shall appoint a regional
33 business official to serve in the office of the regional superintendent
34 of schools for a term of three years. The regional business official
35 shall assist the regional superintendent in the performance of the
36 superintendent's duties pursuant to section 153 of P.L. , c. (C.)
37 (pending before the Legislature as this bill), and perform such other
38 duties as determined by the commissioner. Based on criteria
39 developed by the commissioner, the regional business official shall
40 be subject to a performance assessment at least once during the
41 three-year term. The business official may be re-appointed on the
42 basis of a satisfactory performance assessment.

43

44 156. (New section) A local school district may apply to the
45 regional superintendent of schools to have school district services
46 including, but not limited to, transportation, personnel, purchasing,
47 payroll, and accounting, assumed by the office of the
48 superintendent. If the regional superintendent determines to assume

1 a service, a fee may be assessed the school district for the service.
2 The regional superintendent of schools may utilize county special
3 services school districts, jointure commissions, and educational
4 services commissions to provide services to local school boards.

5
6 157. (New section) A regional superintendent of schools shall
7 not accept employment in any school district which was under his
8 supervision in that position for a period of two years commencing
9 on the day his term as regional superintendent terminates.

10
11 158. (New section) Whenever, in any law, rule, regulation,
12 order, contract, document, judicial or administrative proceeding or
13 otherwise, reference is made to the office of the executive county
14 superintendent of schools, the same shall mean and refer to the
15 office of the regional superintendent of schools.

16
17 159. The following acts and parts of acts are repealed:
18 Chapter 7 of Title 18A of the New Jersey Statutes; and
19 R.S.40:23-2.

20
21 160. This act shall take effect on the 365th day after enactment,
22 but the Commissioner of Education may take such anticipatory
23 administrative action in advance as shall be necessary for the
24 implementation of the act.

25
26
27 STATEMENT

28
29 This bill provides for three regional superintendents of schools,
30 one in the northern, one in the central, and one in the southern part
31 of the State, to replace the current 21 executive county
32 superintendents of schools. The State will be responsible for all the
33 costs of the offices of the regional superintendents.

34 Pursuant to the provisions of the bill, the Commissioner of
35 Education will appoint, with the approval of the State Board of
36 Education, the regional superintendent of schools. Persons
37 appointed to the positions must hold an appropriate certificate and
38 must have been a resident of the State for at least three years
39 immediately preceding the appointment. The regional
40 superintendent will serve for a term of three years and is required to
41 devote his entire time to the duties of the office.

42 The regional superintendents will have general supervision of all
43 of the public schools of the districts of their region. Each regional
44 superintendent is required to:

- 45 --Visit and examine from time to time all of the schools under his
46 general supervision and exercise general supervision over them;
47 --Keep himself informed as to the management, methods of
48 instruction and discipline and the courses of study and textbooks in

- 1 use, the condition of the school libraries, and the condition of the
- 2 real and personal property in the local districts under his general
- 3 supervision;
- 4 --Advise with and counsel the boards of education of the local
- 5 districts under his general supervision in relation to the performance
- 6 of their duties;
- 7 --Promote administrative and operational efficiencies and cost
- 8 savings within the school districts in the region while ensuring that
- 9 the districts provide a thorough and efficient system of education;
- 10 --Recommend that certain school districts be required to enter
- 11 arrangements with other school districts for the consolidation of
- 12 administrative services;
- 13 --Recommend the elimination of laws determined to be unnecessary
- 14 State education mandates;
- 15 --Eliminate districts located in the region that are not operating
- 16 schools;
- 17 --Recommend a school district consolidation plan to eliminate all
- 18 districts through the establishment or enlargement of regional
- 19 school districts;
- 20 --Promote coordination and regionalization of pupil transportation
- 21 services;
- 22 --Review and approve all employment contracts for superintendents
- 23 of schools, assistant superintendents of schools, and school business
- 24 administrators in school districts within the region;
- 25 --Request the commissioner to order a forensic audit of any school
- 26 district in the region upon the determination that the accounting
- 27 practices in the district necessitate such an audit;
- 28 --Review all school budgets of the school districts within the
- 29 region, and disapprove a portion of a school district's proposed
- 30 budget if it is determined that the district has not implemented all
- 31 potential efficiencies in the administrative operations of the district
- 32 or if it is determined that the budget includes excessive non-
- 33 instructional expenses;
- 34 --Permit a district to submit to the voters a separate proposal for
- 35 additional funds only if the district provides certain information to
- 36 the regional superintendent concerning shared services;
- 37 --Promote cooperative purchasing within the region of textbooks
- 38 and other instructional materials;
- 39 --Maintain a real time Statewide and district-wide database that
- 40 tracks the types and capacity of special education programs being
- 41 implemented by each district and the number of students enrolled in
- 42 each program to identify program availability and needs;
- 43 --Maintain a Statewide and district-wide list of all special education
- 44 students served in out-of-district programs and a list of all public
- 45 and private entities approved to receive special education students;
- 46 --Serve as a referral source for districts that do not have appropriate
- 47 in-district programs for special education students and provide

- 1 those districts with information on placement options in other
2 school districts;
- 3 --Conduct regional planning for the development of in-district
4 special education programs;
- 5 --Serve as a liaison to facilitate shared special education services
6 within the region;
- 7 --Provide assistance to districts in budgetary planning for resource
8 realignment and reallocation to direct special education resources
9 into the classroom;
- 10 --Report regularly to the commissioner on progress in increasing the
11 number of special education students educated in appropriate
12 programs with non-disabled students;
- 13 --Render a report to the commissioner annually on such matters
14 relating to the schools under his jurisdiction as the commissioner
15 requires; and
- 16 --Perform such other duties as shall be prescribed by law.
- 17 The bill will take effect on the 365th day after enactment, but the
18 Commissioner of Education may take such anticipatory
19 administrative action in advance as shall be necessary for the
20 implementation of the act.