SYNOPSIS

Requires apportionment of membership on certain regional district boards of education to be based on amount of district costs apportioned to each constituent municipality.

CURRENT VERSION OF TEXT

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

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

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

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

*Senate SED committee amendments adopted November 8, 2021.
b. A representative ratio shall be calculated by adding the number of inhabitants of all constituent districts and dividing the sum by the board size.

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

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

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

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

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

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

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

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

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

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

(cf: P.L.2017, c.45, s.4)

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

In making the apportionment of the membership of a regional
board of education among the several school districts uniting to
create a regional school district having nine or less constituent
districts, as required by section 18A:13-36, there shall be subtracted
from the number of inhabitants of a constituent school district, as
shown by the last federal census officially promulgated in this State
as reported by the Secretary of State pursuant to section 1 of
P.L.2021, c.198 (C.52:4-1.6), the number of such inhabitants who
according to the records of the Federal Bureau of the Census were
patients in any State or federal hospital, or who are military
personnel stationed at, or civilians residing within the limits of, any
United States Army, Navy or Air Force installation, located in such
constituent school district.

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

a. The number of inhabitants of each constituent district shall
be determined as shown by the last federal census officially
promulgated in this State as reported by the Secretary of State
pursuant to section 1 of P.L.2021, c.198 (C.52:4-1.6).
b. A representative ratio shall be calculated by adding the
number of inhabitants of all constituent districts and dividing the
sum by the board size.
c. All constituent districts shall be listed in ascending order of
their number of inhabitants. If the first constituent district in said
list has a number of inhabitants which is less than the representative
ratio, it shall be combined with the constituent district contiguous to
it having the smallest number of inhabitants. This process shall be
repeated for each successively larger constituent district or
combination of constituent districts until all remaining constituent
districts or combinations of constituent districts shall have a number
of inhabitants equal to, or exceeding the representative ratio. The
districts formed in this manner shall be known as representative
districts.
d. There shall be established a priority list according to the
method of equal proportions for the apportionment of the members
of the regional district board of education among the representative
districts.
e. The members of the regional district board of education shall
be apportioned among the representative districts according to the
method of equal proportions, and where a representative district is
composed of more than one constituent district, members shall be
elected at large from within the representative district.
f. The number of inhabitants of each representative district
shall be divided by the number of members assigned to that district
to find the number of inhabitants per member.
g. The vote to be cast by each member of the regional district
board of education in all proceedings of the board shall be
determined by dividing the number of inhabitants per member in the
representative district from which the member is elected by the
representative ratio for the regional district, and rounding off the
quotient to the nearest tenth of a full vote.

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

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

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

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

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

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

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

and until a reapportionment shall become necessary by reason of the
official promulgation of the next Federal census [or], the
enlargement of the regional district by the admission of one or more
local districts, or a modification of the apportionment of costs
among the constituent districts set by the Commissioner of Education pursuant to section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill) and not pursuant to voter approval under N.J.S.18A:13-23. In any such case, immediately after the official promulgation of said census or the certification of a favorable result of the election for enlargement of the regional district, or upon the petition by a constituent district after the modification of the apportionment of costs by the commissioner pursuant to section 3 of P.L. , c. (C. ) (pending before the Legislature as this bill), the county superintendent or county superintendents of the county or counties in which the constituent districts are situate shall reapportion the members accordingly but all members shall continue in office for the terms for which they were elected or appointed notwithstanding any reapportionment. If any constituent district shall become entitled to increased representation on the board the additional members shall be elected at the next annual school election of the regional district. If, as a result of such reapportionment, a disproportionate number of the total representatives of any one constituent district to a regional board are to be elected at a single annual school election, the commissioner shall have the power, on petition of a constituent district board of education, to alter the term of any member representing such constituent district by not more than 1 year, so as to temporarily apportion, as equally as possible over any given 3-year period, the election of the members representing such constituent district.

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

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

4. This act shall take effect immediately.