

[First Reprint]

**SENATE, No. 2166**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**SYNOPSIS**

Provides certain sending school districts one representative with limited voting rights on receiving school district board of education.

**CURRENT VERSION OF TEXT**

As reported by the Senate Education Committee on March 9, 2021, with amendments.



1 AN ACT concerning boards of education of school districts involved  
2 in sending-receiving relationships and amending and  
3 supplementing P.L.1995, c.8.

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

7  
8 1. Section 2 of P.L.1995, c.8 (C.18A:38-8.2) is amended to  
9 read as follows:

10 2. A school district which is sending pupils to another school  
11 district pursuant to N.J.S.18A:38-8 shall have representation on the  
12 board of education of the receiving school district as follows:

13 a. (1) **【If the pupils of the sending district comprise less than**  
14 **10 percent of the total enrollment of the pupils in the grades of the**  
15 **receiving district in which the pupils of the sending district will be**  
16 **enrolled, the sending district shall have no representation on the**  
17 **receiving district board of education.】** (Deleted by amendment,  
18 P.L. , c. ) (pending before the Legislature as this bill)

19 (2) If the pupils of the sending district comprise at least 10  
20 percent of the total enrollment of the pupils in the grades of the  
21 receiving district in which the pupils of the sending district will be  
22 enrolled, the sending district shall have one representative on the  
23 receiving district board of education.

24 b. If the total number of pupils of two or more sending  
25 districts, which do not qualify for representation under subsection a.  
26 of this section, comprise at least 15 percent of the total enrollment  
27 of the pupils in the grades of the receiving district in which the  
28 pupils of the sending districts will be enrolled, they shall have  
29 collectively two representatives on the receiving district board of  
30 education. The annual designation of the representatives, in the  
31 event more than two districts collectively qualify under this  
32 subsection, shall be rotated among the boards of education of the  
33 sending districts according to a schedule determined by the joint  
34 agreement of the boards.

35 c. Notwithstanding the provisions of subsections a. and b. of  
36 this section, the number of representatives designated by the  
37 sending districts to be additional members pursuant to this section  
38 shall not exceed three additional members on a receiving board with  
39 originally nine or more members, two additional members on a  
40 receiving board with originally seven or eight members, and one  
41 additional member on a receiving board with originally less than  
42 seven members. In the event that this restriction results in an  
43 unequal representation of sending districts, the annual designation  
44 of the representative or representatives shall be rotated among the  
45 boards of education of the sending districts according to a schedule  
46 determined by the joint agreement of the boards.

**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:

<sup>1</sup>Senate SED committee amendments adopted March 9, 2021.

1 d. A representative of a sending district board of education  
2 shall be designated at the meeting of the board which is closest in  
3 time to the annual organizational meeting of the receiving district  
4 board of education and shall serve a one-year term beginning with  
5 the organizational meeting of the receiving district board. The  
6 representative shall be subject to the rules and procedures of the  
7 receiving district board of education.

8 e. The calculation of percentages required under this section  
9 shall be based on the number of pupils reported as of the last school  
10 day prior to October 16 of each prebudget year.

11 (cf: P.L.1996, c.138, s.65)

12  
13 2. Section 3 of P.L.1995, c.8 (C.18A:38-8.3) is amended to  
14 read as follows:

15 3. The provisions of **【this act】** P.L.1995, c.8 (C.18A:38-  
16 8.1 et seq.) and P.L. , c. (C. ) (pending before the Legislature as  
17 this bill) shall not apply to sending and receiving relationships  
18 which are established exclusively for the purposes of special  
19 education.

20 (cf: P.L.1995, c.8, s.3)

21  
22 3. (New section) a. In addition to the members of the board of  
23 education of a Type I and Type II school district provided by law,  
24 in a school district which is receiving pupils from another district or  
25 districts pursuant to N.J.S.18A:38-8, there shall be additional  
26 members to represent the board of education of each sending  
27 district, except a sending district which has designated a board of  
28 education member of that district as an additional member of the  
29 receiving district's board of education pursuant to section 2 of  
30 P.L.1995, c.8 (C.18A:38-8.2) or section 1 of P.L.1999, c.414  
31 (C.18A:38-8.4). The representative shall be a member of the board  
32 of education of the sending district designated annually by the  
33 board of that district. The representative shall be a <sup>1</sup>**【nonvoting】**<sup>1</sup>  
34 member of the receiving district board of education <sup>1</sup>with limited  
35 voting rights as described in section 1 of P.L.1995, c.8 (C.18A:38-  
36 8.1). In the event that the sending district representatives comprise  
37 a majority of the receiving district board of education, those  
38 sending districts whose student population makes up less than 10  
39 percent of the overall student population shall have no vote<sup>1</sup> and  
40 <sup>1</sup>shall<sup>1</sup> serve on the board of that district in an advisory role.

41 b. The representative of the sending district board of education  
42 shall be designated at the meeting of the board of that district which  
43 is closest in time to the annual organizational meeting of the  
44 receiving district board of education and shall serve a one-year term  
45 beginning with the organizational meeting of the receiving district  
46 board of education. The representative shall be subject to the rules  
47 and procedures of the receiving district board of education.

48  
49 4. This act shall take effect immediately.