

ASSEMBLY, No. 1307

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman CHARLES

1 AN ACT concerning the board of education in a State-operated school  
2 district and amending P.L.1987, c.399.

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

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7 1. Section 16 of P.L.1987, c.399 (C.18A:7A-49) is amended to  
8 read as follows:

9 16. a. The State district superintendent shall annually provide to  
10 the commissioner an assessment of the progress of the district toward  
11 meeting the requirements necessary for State certification. The  
12 commissioner shall formally report to the State board and to the  
13 Governor and the Legislature on the district's progress.

14 b. Based upon the annual assessment of progress and the district's  
15 having received State certification, but not sooner than five years after  
16 the establishment of the State-operated school district, the  
17 commissioner may recommend to the State board that local control be  
18 reestablished.

19 c. Upon a determination by the State board that local control  
20 should be reestablished, the State district superintendent and those  
21 members of the superintendent's staff appointed by operation of these  
22 laws relating to State-operated school districts shall continue to serve  
23 for a one year transition period upon conclusion of which their term  
24 of service shall expire without prejudice to the right of the district  
25 board of education to reappoint any or all such persons to similar  
26 positions within the district.

27 d. [Not more than one year following the reestablishment of local  
28 control, the board shall conduct a special election for purposes of  
29 placing the question of classification status before the voters of the  
30 district.

31 e. If the voters of the district shall elect to become a type I district,  
32 it shall be governed by the provisions of chapter 9 of Title 18A of the

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

**Matter underlined thus is new matter.**

1 New Jersey Statutes relating to type I districts after January 31 next  
2 ensuing, unless the district is established in a city of the first class, in  
3 which case it shall be governed after June 30 next ensuing. The  
4 members of the district board of education at the time of said election  
5 shall continue in office until expiration of their respective terms and  
6 the qualification in office of their successors.

7 f. If the voters of the district shall so select that the district shall  
8 become a type II district, it shall be governed by the provisions of  
9 chapter 9 of Title 18A relating to type II districts and the members of  
10 the board of education at the time of said election shall remain and  
11 continue in office until the expiration of their respective terms and the  
12 qualification of their respective successors.

13 g.] Upon reestablishment of local control, the school district shall  
14 have the classification status which existed prior to the creation of the  
15 State-operated school district, and within 60 days, members of the  
16 board of education shall be appointed or elected, as the case may be.  
17 If the members are appointed, the terms of the members of the initial  
18 board shall be determined pursuant to N.J.S.18:12-9, and if the  
19 members are elected, the terms of the members of the initial board  
20 shall be determined pursuant to N.J.S.18A:12-11.1. In the event the  
21 election or appointment of board members does not correspond to the  
22 statutory dates for the election or appointment of members, the State  
23 Board of Education shall adjust the initial terms accordingly.  
24 Members of the board of education in office at the time of the  
25 reestablishment of local control shall remain and continue in office  
26 until the qualification of their successors.

27 e. If the commissioner cannot recommend that local control be  
28 reestablished in a district five years after the establishment of a  
29 State-operated school district, then the commissioner shall provide a  
30 comprehensive report to the State board and to the Governor and the  
31 Legislature, including a detailed analysis of the causes for the failure  
32 of the district to achieve certification and an assessment of the amount  
33 of time necessary for the continuation of the State-operated school  
34 district. On the basis of that report the State board shall determine  
35 whether to continue the State-operated school district or return the  
36 district to local control pursuant to this section.

37 (cf: P.L.1987, c.399, s.16.)

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39 2. This act shall take effect immediately.

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## STATEMENT

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44 This bill provides that upon reestablishment of local control in a  
45 school district which was State-operated, the district would resume its  
46 former classification status, and within 60 days, members of the board

1 of education would be appointed or elected, as the case may be. The  
2 terms of members of the initial board would be staggered as provided  
3 under the statutes governing the establishment of appointed and  
4 elected boards. If the election or appointment of board members does  
5 not correspond to the statutory dates for the election or appointment  
6 of members, the State Board of Education is authorized to adjust the  
7 initial terms accordingly. Members of the board of education in office  
8 at the time of the reestablishment of local control would remain in  
9 office only until the qualification of their successors.

10 Under the current statute, a special election is held during the year  
11 following the reestablishment of local control to determine the  
12 classification status of the district, and members of the board of  
13 education then in office remain in office until the expiration of their  
14 terms.

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19 Provides for immediate restoration of school board when local control  
20 is reestablished in State-operated district.