

ASSEMBLY, No. 2722

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1997

By Assemblymen ROCCO and ROBERTS

1 AN ACT concerning regional school districts and supplementing  
2 chapter 13 of Title 18A of The New Jersey Statutes.

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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. Notwithstanding the provisions of section 5 of P.L.1993, c.67  
8 (C.18A:13-23.3) or any other law to the contrary, the board of  
9 education of any local school district constituting part of a limited  
10 purpose regional school district or the governing body of a  
11 municipality constituting a constituent district of a limited purpose  
12 regional school district or an all purpose regional school district may,  
13 by resolution or ordinance, petition the board of education of the  
14 regional school district to modify the basis of apportionment of the  
15 costs of the regional district to conform with subsection b. of N.J.S.  
16 18A:13-23.

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18 2. Within 45 days of receipt of the petition, the board of education  
19 of the regional district shall conduct a hearing to determine whether  
20 the manner in which the annual or special appropriations, including the  
21 amounts to be raised for interest upon, and the redemption of, bonds  
22 payable by the regional district is apportioned among the municipalities  
23 included within the regional district shall be modified to conform  
24 with subsection b. of N.J.S.18A:13-23. The board shall have the  
25 authority to extend the time to conduct a hearing for an additional 30  
26 days.

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28 3. Within 30 days of the hearing, the board of education of the  
29 regional district shall provide through the adoption of a resolution that  
30 the current manner in which the annual or special appropriations,  
31 including the amounts to be raised for interest upon, and the  
32 redemption of, bonds payable by the regional district is apportioned  
33 among the municipalities included in the regional district be modified  
34 to conform with subsection b. of N.J.S.18A:13-23 upon finding that:

35 a. the annual per pupil expenditure of the petitioning party is at  
36 least 100% more than the average per pupil expenditure of the other  
37 members of the regional school district in the current and prior budget

1 years; and

2 b. the enrollment of the petitioning party is 5 % or less of the total  
3 regional school district enrollment in the current and prior budget  
4 years; and

5 c. the regional district has not more than two constituent districts  
6 which meet the standards in subsections a. and b.; and

7 d. the regional district has not revised the basis of its  
8 apportionment of costs pursuant to section 5 of P.L.1993, c.67  
9 (C.18A:13-23.3).

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11 4. The reapportionment of the annual or special appropriations for  
12 the regional school district pursuant to section 3 of this act, including  
13 the amounts to be raised for interest upon, and the redemption of  
14 bonds payable by the district, may be phased in over a period not to  
15 exceed four years by any combination of apportionment based upon  
16 equalized valuations pursuant to subsection a. of N.J.S.18A:13-23 and  
17 pupil enrollments pursuant to subsection b. of N.J.S.18A:13-23.

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19 5. Upon the failure of the board of education of the regional  
20 district to comply with section 2 or section 3 of this act or to phase  
21 in the reapportionment of costs over a period not exceeding four years  
22 as provided under section 4 of this act, a constituent school district  
23 may:

24 a. withdraw from the regional school district upon certification by  
25 its board of education or the governing body of the municipality  
26 constituting the constituent district that the regional board of  
27 education failed to comply with the provisions of this act. Withdrawal  
28 shall not occur until the school district has been admitted to an  
29 existing regional school district or has become part of a newly formed  
30 regional school district pursuant to N.J.S.18A:13-34 and  
31 N.J.S.18A:13-35 or has entered into a sending-receiving relationship  
32 pursuant to N.J.S.18A:38-8, or

33 b. institute enforcement proceedings with the appropriate court to  
34 compel the regional board of education to comply with the provisions  
35 of this act.

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37 6. Notwithstanding the provisions of N.J.S.18A:13-43 and  
38 N.J.S.18A:13-44, or any other law to the contrary, a constituent  
39 school district which withdraws from a regional school district  
40 pursuant to subsection a. of section 5 of this act shall be admitted to  
41 an existing regional school district upon the adoption of a resolution  
42 by its board of education or the governing body of the municipality  
43 constituting the constituent district and the board of education of the  
44 regional school district which the constituent district is seeking to join  
45 approving the inclusion of the school district within the regional  
46 district. Copies of the resolutions shall be forwarded to the county

1 superintendent or superintendents of the counties in which the districts  
2 are situate. The county superintendent or superintendents shall notify  
3 the Commissioner of Education and the enlargement of the regional  
4 district by the admission of the new constituent district shall become  
5 effective on the 20th day following the adoption of the resolution by  
6 the regional school district.

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8 7. Notwithstanding the provisions of N.J.S.18A:13-8,  
9 N.J.S.18A:13-36, N.J.S.18A:13-46, or any other law to the contrary,  
10 the board of education of a regional school district which admits a  
11 new constituent school district by resolution pursuant to section 6 of  
12 this act shall be increased by one additional board member who shall  
13 represent the new constituent district and shall be appointed by the  
14 county superintendent of the county in which the new constituent  
15 district is situate. In the event this results in the board consisting of  
16 an even number of members, the board shall be increased by a second  
17 additional member to be apportioned among the other constituent  
18 districts of the regional school district as determined by the county  
19 superintendent or superintendents of the county or counties in which  
20 the constituent districts of the enlarged district are situate. The  
21 members so appointed shall serve until the first Monday succeeding  
22 the first annual school election of the enlarged regional school district  
23 and their successors shall be elected at that election.

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25 8. Notwithstanding any provisions of law to the contrary, a  
26 constituent district withdrawing from a regional school district  
27 pursuant to subsection a. of section 5 of this act shall within one year  
28 of the withdrawal enter into an agreement with the board of education  
29 of the regional school district for the payment of the withdrawing  
30 district's share of the debt incurred by the regional district prior to  
31 withdrawal. The agreement shall be approved by the county  
32 superintendent of the county in which the regional district is situate.

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34 9. Any reapportionment of costs pursuant to section 3 of this act  
35 shall be effective at the next annual school election unless determined  
36 within 90 days of the annual school election in which case the  
37 reapportionment of costs shall be effective at the next subsequent  
38 annual school election.

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40 10. A limited purpose regional school district or an all purpose  
41 regional school district subject to reapportionment of costs pursuant  
42 to section 3 of this act shall not institute a modification of the basis of  
43 its apportionment of costs pursuant to section 5 of P.L.1993, c.67  
44 (C.18A:13-23.3), without the prior approval of the Commissioner of  
45 Education.

1 11. This act shall take effect immediately and section 1 shall expire  
2 on January 1, 2000.

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5 STATEMENT

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7 This bill provides that the board of education of any local school  
8 district constituting part of a limited purpose regional school district  
9 or the governing body of the municipality constituting a constituent  
10 district of a limited purpose regional school district or an all purpose  
11 regional school district may petition the board of education of the  
12 regional school district to adopt a per pupil basis formula pursuant to  
13 subsection b. of N.J.S.18A:13-23, as the basis of the apportionment of  
14 costs of the regional school district.

15 The bill provides that the board of education of a regional school  
16 district is required to adopt a per pupil basis formula upon finding  
17 that: (1) the annual per pupil expenditure of the petitioning party is  
18 at least 100% more than the average per pupil expenditure of the other  
19 members of the regional school district in the current and prior budget  
20 years; (2) the enrollment of the petitioning party is 5% or less than  
21 the total regional school district enrollment in the current and prior  
22 budget years; (3) the regional district has not more than two  
23 constituent districts which meet the standards specified in (1) and (2);  
24 and (4) the district has not revised the basis of its apportionment of  
25 costs pursuant to section 5 of P.L.1993, c.67 (C.18A:13-23.3). The  
26 bill provides that if the petition is granted, the apportionment of costs  
27 may be phased in over a period not to exceed four years by any  
28 combination of apportionment based upon equalized valuations or  
29 pupil enrollments.

30 The bill provides that the board of education of the regional district  
31 is required to conduct a hearing within 45 days of the receipt of a  
32 petition to modify the district's cost apportionment basis. Upon the  
33 failure of the board of education of the regional district to comply with  
34 this act, the petitioning constituent district may withdraw from the  
35 regional school district or may institute enforcement proceedings with  
36 the appropriate court to compel the regional board of education to  
37 comply with the bill's provisions.

38 The bill also provides that a constituent district which withdraws  
39 from the regional school would be admitted to an existing regional  
40 school district without voter approval. When the board of education  
41 of a regional school district admits a new constituent school district,  
42 an additional board member would be added to the regional board of  
43 education who would represent the new constituent district and  
44 would be appointed by the county superintendent of the county in  
45 which the new constituent district is situate. In the event this results  
46 in the board consisting of an even number of members, the board

1 would have a second additional member appointed to be apportioned  
2 among the other constituent districts of the regional school district as  
3 determined by the county superintendent of the county or counties in  
4 which the constituent local districts of the enlarged district are situate.

5 A constituent district withdrawing from a regional school district  
6 must enter into an agreement with the board of education of the  
7 regional school district, within one year of the withdrawal, for the  
8 payment of the withdrawing district's share of the debt incurred by the  
9 regional district prior to withdrawal. The agreement must be approved  
10 by the county superintendent of the county in which the regional  
11 district is situate.

12 The option to petition for a modification of the basis of  
13 apportionment of the costs of a regional district would expire on  
14 January 1, 2000.

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19 Permits members of regional school districts to petition for  
20 modification of the apportionment of costs.