

SENATE, No. 2000

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 27, 2010

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris)

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

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

1 the titles included under subsection j. of this section; and

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

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

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

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

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

17 "Board" means the board of education;

18 "Commissioner" means the Commissioner of Education;

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

21 "Department" means the State Department of Education;

22 "District" means a school district;

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

24 "Employment" includes employment in a position;

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

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

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

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

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

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

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

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

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

1 "School nurse" shall mean and include any school nurse, school
2 nurse supervisor, head school nurse, chief school nurse, school
3 nurse coordinator or any other nurse performing school nursing
4 services in the public schools;

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

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

14 (cf: P.L.1999, c.87, s.1)

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

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

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

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

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

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

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

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

1 one elementary school principal, one school business administrator,
2 one librarian employed by the State or by one of its political
3 subdivisions and four teaching staff members other than a
4 superintendent, principal, school business administrator or librarian,
5 all of whom shall be appointed by the commissioner with the
6 approval of the State board.
7 (cf: P.L.1988, c.124)

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

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

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

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

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

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

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

1 fix a date and place for the first meeting of the representative
2 assembly.

3 (cf: P.L.1989, c.254, s.3)

4

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

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

16 (cf: P.L.1989, c.254, s.4)

17

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 13. a. The representative assembly shall from time to time
48 determine what services and programs shall be provided by the

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

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

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

19

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

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

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

32

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

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

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

1 information on program participation.

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

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

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

24

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

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

43 When the homeless child attends school in a district other than
44 the district of residence, the district of residence shall pay the costs
45 of tuition for the child to attend school in that district and shall pay
46 for any transportation costs incurred by that district. When the
47 homeless child attends school in the district of residence while
48 temporarily residing in another district, the district of residence

1 shall provide for transportation to and from school pursuant to the
2 provisions of N.J.S.18A:58-7.

3 (cf: P.L.1989, c.290, s.3)

4

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

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

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

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

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

37 Notwithstanding any other provision of this act to the contrary,
38 each district's State aid payable for the 2008-2009 school year, with
39 the exception of aid for school facilities projects, shall be based on
40 simulations employing the various formulas and State aid amounts
41 contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The
42 commissioner shall prepare a report dated December 12, 2007
43 reflecting the State aid amounts payable by category for each
44 district and shall submit the report to the Legislature prior to the
45 adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as
46 otherwise provided pursuant to this subsection and paragraph (3) of
47 subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the
48 amounts contained in the commissioner's report shall be the final

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

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

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

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

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

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

43 c. Annually, on or before March 4, each district board of
44 education shall adopt, and submit to the commissioner for approval,
45 together with such supporting documentation as the commissioner
46 may prescribe, a budget that provides for a thorough and efficient
47 education. Notwithstanding the provisions of this subsection to the
48 contrary, the commissioner may adjust the date for the submission

1 of district budgets if the commissioner determines that the
2 availability of preliminary aid numbers for the subsequent school
3 year warrants such adjustment.

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

8 (1) the district's advertised per pupil administrative costs for the
9 2004-2005 school year inflated by the cost of living or 2.5 percent,
10 whichever is greater; or

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

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

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

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

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

41 d. (1) A district shall submit, as appropriate, to the board of
42 school estimate or to the voters of the district at the annual school
43 budget election conducted pursuant to the provisions of P.L.1995,
44 c.278 (C.19:60-1 et al.), a general fund tax levy which when added
45 to the other components of its net budget does not exceed the
46 prebudget year net budget by more than the spending growth
47 limitation calculated as follows: the sum of the cost of living or 2.5
48 percent, whichever is greater, multiplied by the prebudget year net

1 budget, and adjustments for changes in enrollment, certain capital
2 outlay expenditures, expenditures for pupil transportation services
3 provided pursuant to N.J.S.18A:39-1.1, expenditures incurred in
4 connection with the opening of a new school facility during the
5 budget year, and special education costs per pupil in excess of
6 \$40,000. The adjustment for special education costs shall equal any
7 increase in the sum of per pupil amounts in excess of \$40,000 for
8 the budget year less the sum of per pupil amounts in excess of
9 \$40,000 for the prebudget year indexed by the cost of living or 2.5
10 percent, whichever is greater. The adjustment for enrollments shall
11 equal the increase in weighted resident enrollments between the
12 prebudget year and budget year multiplied by the per pupil general
13 fund tax levy amount for the prebudget year indexed by the cost of
14 living or 2.5 percent, whichever is greater. The adjustment for
15 capital outlay shall equal any increase between the capital outlay
16 portion of the general fund budget for the budget year less any
17 withdrawals from the capital reserve account and the capital outlay
18 portion of the general fund budget for the prebudget year indexed
19 by the cost of living or 2.5 percent, whichever is greater. Any
20 district with a capital outlay adjustment to its spending growth
21 limitation shall be restricted from transferring any funds from
22 capital outlay accounts to current expense accounts. The
23 adjustment for capital outlay shall not become part of the prebudget
24 year net budget for purposes of calculating the spending growth
25 limitation of the subsequent year. The adjustment for pupil
26 transportation costs provided pursuant to N.J.S.18A:39-1.1 shall
27 equal any increase between the cost of providing such pupil
28 transportation services for the budget year and the cost of providing
29 such pupil transportation services for the prebudget year indexed by
30 the cost of living or 2.5 percent, whichever is greater. The
31 adjustment for the opening of a new school facility shall include
32 costs associated with the new facility related to new teaching staff
33 members, support staff, materials and equipment, custodial and
34 maintenance expenditures, and such other required costs as
35 determined by the commissioner.

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

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

38 (4) Any debt service payment made by a school district during
39 the budget year shall not be included in the calculation of the
40 district's spending growth limitation.

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

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

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

44 (8) If an increase in tuition for the budget year charged to a
45 sending district by the receiving district pursuant to the provisions
46 of N.J.S.18A:38-19 would reduce the sending district's per pupil net
47 budget amount below the prior year's per pupil net budget amount
48 in order to comply with the district's spending growth limitation, the

1 district may apply to the commissioner for an adjustment to that
2 limitation.

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

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

25 Except as otherwise provided pursuant to paragraph (3) of
26 subsection c. of section 4 of P.L.2007, c.62 (C.18A:7F-39), any
27 proposal or proposals rejected by the voters shall be submitted to
28 the municipal governing body or bodies for a determination as to
29 the amount, if any, that should be expended notwithstanding voter
30 rejection. The decision of the municipal governing body or bodies
31 or board of school estimate, as appropriate, shall be final and no
32 appeals shall be made to the commissioner.

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

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

46 (11) Any reduction that may be required to be made to programs
47 and services included in a district's prebudget year net budget in
48 order for the district to limit the growth in its budget between the

1 prebudget and budget years by its spending growth limitation as
2 calculated pursuant to this subsection, shall only include reductions
3 to excessive administration or programs and services that are
4 inefficient or ineffective.

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

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

39 In addition, the municipal governing body or board of school
40 estimate shall be required to demonstrate clearly to the
41 commissioner that the proposed budget reductions shall not
42 adversely affect the ability of the school district to provide a
43 thorough and efficient education or the stability of the district given
44 the need for long term planning and budgeting.

45 (3) In lieu of any budget reduction appeal provided for pursuant
46 to paragraphs (1) and (2) of this subsection, the State board may
47 establish pursuant to the "Administrative Procedure Act," P.L.1968,
48 c.410 (C.52:14B-1 et seq.), an expedited budget review process

1 based on a district's application to the commissioner for an order to
2 restore a budget reduction.

3 (4) When the voters, municipal governing body or bodies, or the
4 board of school estimate authorize the general fund tax levy, the
5 district shall submit the resulting budget to the commissioner within
6 15 days of the action of the voters or municipal governing body or
7 bodies, whichever is later, or of the board of school estimate as the
8 case may be.

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

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

11 (cf: P.L.2007, c.260, s.28)

12
13 17. Section 36 of P.L.2000, c.126 (C.18A:7F-5a) is amended to
14 read as follows:

15 36. a. Notwithstanding any provision of P.L.1996, c.138
16 (C.18A:7F-1 et al.) or P.L.2007, c.260 (C.18A:7F-43 et al.) to the
17 contrary and except as otherwise provided pursuant to subsection b.
18 of this section, any school district which increases its net budget
19 between the prebudget and budget years in an amount less than that
20 authorized pursuant to subsection d. of section 5 of P.L.1996, c.138
21 (C.18A:7F-5), shall be permitted to include the amount of the
22 difference between its actual net budget and its permitted net budget
23 in either of the next two succeeding budget years; except that
24 beginning with any difference in the 2004-2005 budget year and
25 any difference in a subsequent budget year, only 50% of the
26 difference may be included in either of the next two succeeding
27 budget years.

28 b. For the 2005-2006 school year and thereafter, the [executive
29 county] regional superintendent of schools may disapprove a school
30 district's proposed budget which includes the amount of any
31 difference authorized pursuant to subsection a. of this section if the
32 [executive county] regional superintendent determines that the
33 district has not implemented all potential efficiencies in the
34 administrative operations of the district, which efficiencies would
35 eliminate the need for the inclusion of the differential amount. The
36 [executive county] regional superintendent shall work with each
37 school district in the county during the 2004-2005 school year and
38 each subsequent school year to identify administrative
39 inefficiencies in the operations of the district that might cause the
40 [executive county] regional superintendent to reject the district's
41 proposed budget.

42 (cf: P.L.2007, c.260, s.29)

43
44 18. Section 33 of P.L.1996, c.138 (C.18A:7F-33) is amended to
45 read as follows:

46 33. Annually, on or before October 20, the secretary of the
47 board of education, with approval of the superintendent of schools,
48 or if there is no superintendent of schools, with the approval of the

1 **[executive county]** regional superintendent of schools, shall file
2 with the commissioner a report prescribed by the commissioner
3 containing all data necessary to effectuate the aid provisions of
4 P.L.2007, c.260 (C.18A:7F-43 et al.), which shall include but not be
5 limited to, the number of pupils enrolled by grade, the number of
6 these pupils classified as eligible for special education services and
7 speech-only services, the number of pupils in approved programs
8 for bilingual education, the number of at-risk pupils, the number of
9 combination pupils, and the number of pupils in State facilities,
10 county vocational schools, State college demonstration schools,
11 evening schools, other public or private schools to which the district
12 is paying tuition, or who are receiving home instruction on the last
13 school day prior to October 16. In addition, districts shall file
14 annual reports providing such information as the commissioner may
15 require for pupils receiving special education services.

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

17
18 19. Section 2 of P.L.2007, c.260 (C.18A:7F-44) is amended to
19 read as follows:

20 2. The Legislature finds and declares that:

21 a. The Constitution of the State of New Jersey states that the
22 Legislature shall provide for the maintenance and support of a
23 thorough and efficient system of free public schools for the
24 instruction of all children in the State between the ages of five and
25 eighteen years. (N.J. Const. art. VIII, sec. 4, par.1).

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

32 c. Although the Supreme Court of New Jersey has held that
33 prior school funding statutes did not establish a system of public
34 education that was thorough and efficient as to certain districts, the
35 Court has consistently held that the Legislature has the
36 responsibility to substantively define what constitutes a thorough
37 and efficient system of education responsive to that constitutional
38 requirement.

39 d. Every child in New Jersey must have an opportunity for an
40 education based on academic standards that satisfy constitutional
41 requirements regardless of where the child resides, and public funds
42 allocated to this purpose must be expended to support schools that
43 are thorough and efficient in delivering those educational standards.
44 In turn, school districts must be assured the financial support
45 necessary to provide those constitutionally compelled educational
46 standards. Any school funding formula should provide State aid for
47 every school district based on the characteristics of the student
48 population and up-to-date measures of the individual district's

1 ability to pay.

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

10 f. The decisions in the Abbott cases have resulted in frequent
11 litigation and a fragmented system of funding under which limited
12 resources cannot be distributed equitably to all districts where at-
13 risk children reside, instead dividing the districts sharply into
14 Abbott and non-Abbott categories for funding purposes without
15 regard to a district's particular pupil characteristics and leading to
16 needlessly adversarial relationships among school districts and
17 between districts and the State.

18 g. In the absence of a clear, unitary, enforceable statutory
19 formula to govern appropriations for education, crucial funding
20 decisions are made annually, in competition for limited State
21 resources with other needs and requirements as part of the annual
22 budget negotiation process, utilizing many different classes and
23 categories of aid, leading to an uncertain, unpredictable, and
24 untenable funding situation for the State and school districts alike.

25 h. This act represents the culmination of five years of diligent
26 efforts by both the Executive and Legislative branches of State
27 government to develop an equitable and predictable way to
28 distribute State aid that addresses the deficiencies found in past
29 formulas as identified by the Supreme Court. Working together
30 toward this common goal, the Department of Education and the
31 Legislature engaged nationally recognized experts in education
32 funding and provided significant opportunities for stakeholder
33 involvement and public input to assist in formulating and refining a
34 comprehensive school funding model that has been validated by
35 experts. The formula accounts for the individual characteristics of
36 school districts and the realities of their surroundings, including the
37 need for additional resources to address the increased disadvantages
38 created by high concentrations of children at-risk.

39 i. The formula established under this act is the product of a
40 careful and deliberative process that first involved determining the
41 educational inputs necessary to provide a high-quality education,
42 including specifically addressing the supplemental needs of at-risk
43 students and those with limited English proficiency (LEP), and a
44 determination of the actual cost of providing those programs. The
45 formula provides adequate funding that is realistically geared to the
46 core curriculum content standards, thus linking those standards to
47 the actual funding needed to deliver that content.

48 j. In recognition of the unique problems and cost

1 disadvantages faced by districts with high concentrations of at-risk
2 students, it is appropriate to reflect in the formula a greater weight
3 as the district's proportion of at-risk students increases. In addition,
4 the new formula recognizes the disadvantages of an expanded group
5 of students by including in the definition of at-risk those students
6 who qualify for free or reduced-price lunch. Expanding the
7 definition of at-risk students in this manner will significantly
8 increase the resources flowing to districts with high concentrations
9 of these low-income students.

10 k. In light of the demonstrable, beneficial results and success of
11 the current Abbott preschool program, it is appropriate to build
12 upon this success by incorporating in the formula an expanded high-
13 quality preschool program for all children who qualify for free and
14 reduced price meals in all districts. It is appropriate for the formula
15 to acknowledge that at-risk children do not always receive the same
16 educational exposure at an early age as their peers and to provide
17 the additional resources necessary through high-quality preschool to
18 prepare every child to learn and succeed.

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

24 m. It is also appropriate to recognize in the formula the need for
25 all schools to incorporate effective security measures, which may
26 vary from district to district depending upon the at-risk student
27 population and other factors, and to provide categorical funding to
28 address these important requirements.

29 n. In recognition of the potentially wide variability in special
30 education costs, even for the same category of disability, from
31 district to district, it is appropriate for the new funding formula to
32 mitigate the impact of that variability by establishing a census
33 model based on the actual Statewide average excess cost of
34 educating special education students and by providing for an
35 increase in State aid for extraordinary costs incurred by districts.

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

46 p. Together with a renewed legislative focus on and
47 commitment to providing sufficient means to maintain and support
48 a high-quality system of free public schools in the State, a new

1 funding formula supported by significantly increased State
2 resources will ensure compliance with all statutory and
3 constitutional mandates. Districts that were formerly designated as
4 Abbott districts will be provided sufficient resources to continue
5 those Court-identified programs, positions, and services that have
6 proven effective while being provided the flexibility to shift
7 resources and programmatic focus based on the needs of their
8 students and current research.

9 q. The time has come for the State to resolve the question of
10 the level of funding required to provide a thorough and efficient
11 system of education for all New Jersey school children. The
12 development and implementation of an equitable and adequate
13 school funding formula will not only ensure that the State's students
14 have access to a constitutional education as defined by the core
15 curriculum content standards, but also may help to reduce property
16 taxes and assist communities in planning to meet their educational
17 expenses. The development of a predictable, transparent school
18 funding formula is essential for school districts to plan effectively
19 and deliver the quality education that our citizens expect and our
20 Constitution requires.

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

22
23 20. N.J.S.18A:8-3 is amended to read as follows:

24 18A:8-3. The first board of education of the new school district
25 shall consist of nine persons, who are legal residents of the district
26 possessing the qualifications requisite for board membership in
27 other school districts, except the two-year residence requirement,
28 which shall not be effective until the fourth annual school election
29 of the newly created district. They shall be appointed by the
30 **【county】 regional** superintendent as soon after the creation of the
31 new municipality as possible, and they shall continue in office until
32 the qualification in office of their successors, who shall be elected
33 at the ensuing annual school election for terms to be so arranged by
34 the appointed board that, as soon as possible, the term of each
35 member of the board shall be three years and the terms of three
36 members shall expire in each year.

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

38
39 21. N.J.S.18A:8-5 is amended to read as follows:

40 18A:8-5. The governing body of any such municipality may, by
41 resolution, apply to the **【county】 regional** superintendent to make
42 an investigation as to the advisability of constituting that
43 municipality a separate school district.

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

45
46 22. N.J.S.18A:8-6 is amended to read as follows:

47 18A:8-6. The **【county】 regional** superintendent shall, within 30
48 days after such request, file with the governing bodies of all of such

1 municipalities and the board of education of the school district a
2 report containing such financial, educational and other information
3 as he may deem necessary to enable said governing bodies and
4 board of education to form an intelligent judgment as to the
5 advisability of the proposed separation and the effect thereof upon
6 the educational and financial condition of the new district and the
7 remaining district and setting forth the amount of indebtedness, if
8 any, to be assumed by the new and remaining districts calculated as
9 hereinafter provided.

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

11
12 23. N.J.S.18A:8-9 is amended to read as follows:

13 18A:8-9. The governing body of the applying municipality
14 may, within 30 days after the filing of the report, petition the
15 commissioner for permission to submit to the legal voters of the
16 municipality the question whether or not the municipality shall be
17 constituted a separate school district, and in such petition may
18 request any specific reduction or increase in the amount of
19 indebtedness to be assumed. Proof of the service of a copy of the
20 petition upon each municipality in the original school district, the
21 board of education thereof, and the **【county】** regional
22 superintendent, prior to the filing of the petition, shall accompany
23 the petition.

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

25
26 24. N.J.S.18A:8-10 is amended to read as follows:

27 18A:8-10. The governing body of any other municipality in the
28 school district and the board of education thereof shall, within 15
29 days after service of a copy of the petition upon it, file an answer
30 thereto with the commissioner and serve a copy of such answer
31 upon every other municipality included in the original district, the
32 board of education thereof and the **【county】** regional
33 superintendent.

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

35
36 25. N.J.S.18A:8-14 is amended to read as follows:

37 18A:8-14. If the application be granted, the **【county】** regional
38 superintendent shall, within 30 days thereafter, fix a day, between
39 the first day of April next ensuing and the first day of December
40 next occurring after said first day of April, and a time on said day
41 for holding a special school election, at which time the question
42 whether or not the municipality shall be constituted a separate
43 school district shall be submitted to the legal voters of the
44 municipality.

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

46
47 26. N.J.S.18A:8-15 is amended to read as follows:

48 18A:8-15. The amount of indebtedness to be assumed by the

1 proposed new district and the effect of such indebtedness upon the
2 borrowing margin of the municipality and the proposed new district
3 shall be stated in the notices and advertisements of the special
4 school election and in the ballots to be used therein, and said
5 election shall be conducted and the results thereof determined in the
6 manner prescribed by law for special school elections in type II
7 districts. The result shall be certified within five days after the
8 holding of the election to the [county] regional superintendent and
9 the board of education.

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

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

13 18A:8-18. The members of the board of education of the original
14 district shall continue in office as members of such district until the
15 creation of the new district and the members of said board who
16 reside in the new district shall also be members of the first board of
17 education of the new district and those who do not reside therein
18 shall also be members of the first board of education of the
19 remaining district. They shall continue to serve as members of the
20 board of education of the new and remaining districts respectively
21 until the expiration of the respective terms for which they were
22 elected as members of the board of education of the original district.
23 Such number of additional members of the first board of education
24 of the new district and of the remaining district as shall be required
25 to complete full membership thereof, shall be appointed by the
26 [county] regional superintendent and their successors shall be
27 elected at school elections of the districts, which shall be held at the
28 same time as that on which the annual election of the original
29 district would have been held in the next school year. The elected
30 members of said boards shall take office at the organization meeting
31 succeeding their election and the appointed members shall continue
32 in office until said date.

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

34
35 28. N.J.S.18A:8-24 is amended to read as follows:

36 18A:8-24. The [county] regional superintendent in a written
37 report filed by him at the end of the school year preceding that in
38 which the new district is created shall make a division of the assets,
39 except school buildings, grounds, furnishings and equipment, and
40 of the liabilities, other than the bonded indebtedness of the original
41 district, between the new district and the remaining district on the
42 basis of the amount of the ratables in the respective districts on
43 which the last school tax was levied, and in determining the
44 amount of assets to be divided, he shall take into account the
45 present value of the school books, supplies, fuel, motor vehicles and
46 all personal property other than furnishings and equipment. In the
47 case of any vehicle used for the transportation of school children,
48 the original cost of the vehicle, less any state aid appropriated

1 therefor, shall be deemed to be the present value.

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

3
4 29. N.J.S.18A:8-29 is amended to read as follows:

5 18A:8-29. The membership of the board shall, except as
6 otherwise provided by this chapter, be apportioned by the [county]
7 regional superintendent or [county] regional superintendents
8 among the several consolidating school districts as nearly as may be
9 according to the number of their inhabitants, as shown by the last
10 published federal census report, but each district shall have at least
11 one member. The apportionment of membership shall continue
12 until changed by reapportionment by the [county] regional
13 superintendent or [county] regional superintendents, which shall
14 be made, when required, immediately succeeding each published
15 federal census report, but the members of the board in office at the
16 time of any reapportionment shall continue in office for their
17 unexpired terms.

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

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

21 18A:8-30. The membership of the board of any consolidated
22 school district heretofore created, in which such membership has
23 not been determined by apportionment, shall be selected as
24 heretofore, but in any such district there may be adopted the
25 apportionment provisions of this chapter at any annual school
26 election by approval of a majority of the votes cast on such
27 proposition.

28 The proposition shall be placed on the ballots to be used at such
29 election whenever a petition requesting the submission of such
30 proposition, signed by not less than five per cent of the registered
31 voters of the consolidated district, shall have been filed with the
32 secretary at least 20 days prior to the date fixed for the holding
33 thereof.

34 If such proposition shall be adopted, the [county] regional
35 superintendent or [county] regional superintendents of the
36 [county] region or [counties] regions, in which the district is
37 situate, shall apportion the membership of the board of the
38 consolidated district in accordance with this chapter, beginning with
39 the next annual election, and as the terms of the respective members
40 of the board in office shall expire, and thereafter the members of
41 said board shall be elected accordingly.

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

43
44 31. N.J.S.18A:8-35 is amended to read as follows:

45 18A:8-35. The schools under each consolidated board of
46 education shall be under the supervision of the [county] regional
47 superintendent of the [county] region including the constituent

1 district or districts having the larger or largest amount of ratables,
2 as ascertained from the last published report of the director of the
3 division of taxation in the department of the treasury.

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

5
6 32. Section 2 of P.L.2009, c.78 (C.18A:8-44) is amended to read
7 as follows:

8 2. a. Except as otherwise provided in subsection b. of this
9 section, the [executive county] regional superintendent of schools
10 shall eliminate any non-operating district and merge that district
11 with the district with which it participates in a sending-receiving
12 relationship.

13 b. If a non-operating district is in a sending-receiving
14 relationship with more than one district or is in a sending-receiving
15 relationship with a district in need of improvement pursuant to the
16 "No Child Left Behind Act of 2001," Pub.L.107-110, then the
17 [executive county] regional superintendent shall determine with
18 which district the non-operating district shall be merged. The
19 determination shall be based on the district that is able to
20 accommodate the merger with the least disruption to its finances
21 and educational operations. In making the determination the
22 [executive county] regional superintendent shall examine, but need
23 not be limited to, the following factors: current sending-receiving
24 relationships; the quality and effectiveness of educational
25 programming and district operations; proximity of school districts;
26 transportation costs; school building capacity; and special education
27 needs.

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

29
30 33. Section 5 of P.L.2009, c.78 (C.18A:8-47) is amended to read
31 as follows:

32 5. a. If the district with which the non-operating district is
33 merged is a Type II district without a board of school estimate,
34 except as otherwise provided in this subsection, the new district
35 established pursuant to section 2 of this act shall have a board of
36 education with the same number of members as the board of
37 education of the district with which the non-operating district has
38 been merged. The members of the board of education of the district
39 with which the non-operating district has been merged shall
40 continue in office as members of the first board of education of the
41 new district until the expiration of the respective terms for which
42 they were elected.

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

46 The [executive county] regional superintendent shall, not later
47 than 30 days after the merger of the districts, appoint one member
48 of the board of education of the former non-operating district to the

1 board of the new district, who shall serve until the first Monday
2 succeeding the first annual school election in which a member of
3 the board of education of the new district is elected at-large; except
4 that if the former non-operating district had representation on the
5 board of education of the district with which it has been merged
6 pursuant to section 2 of P.L.1995, c.8 (C.18A:38-8.2), then that
7 representative shall be the person appointed by the [executive
8 county] regional superintendent. The member appointed by the
9 [executive county] regional superintendent shall be a voting
10 member of the board.

11 b. If the district with which the non-operating district is merged
12 is a Type I district, the new district shall have a board of education
13 with the same number of members as the board of education of the
14 district with which the non-operating district has been merged plus
15 one additional member. The mayor or other chief executive officer
16 of the municipality in which the former non-operating district is
17 located shall appoint the one additional member.

18 c. If the district with which the non-operating district is merged
19 is a regional district, the former non-operating district shall be
20 treated as a constituent district of the regional district and the
21 membership of the board of education of the new district shall be in
22 accordance with the provisions of chapter 13 of Title 18A of the
23 New Jersey Statutes.

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

25

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

28 9. Nothing in this act shall be construed to prohibit [an
29 executive county] a regional superintendent from including a
30 former non-operating district in the consolidation plan submitted by
31 the [executive county] regional superintendent to the commissioner
32 pursuant to [subsection h. of N.J.S.18A:7-8] law.

33 (cf: P.L.2009, c.78, s.9)

34

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

36 18A:10-7. The boards of education of each [county] region
37 shall meet together semiannually at times and places fixed by the
38 [county] regional superintendent.

39 (cf: N.J.S.18A:10-7)

40

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

42 18A:12-15. Vacancies in the membership of the board shall be
43 filled as follows:

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

1 b. By the **【county】 regional** superintendent, to a number
2 sufficient to make up a quorum of the board if, by reason of
3 vacancies, a quorum is lacking;

4 c. By special election, if in the annual school election two or
5 more candidates qualified by law for membership on the school
6 board receive an equal number of votes. Such special election shall
7 be held only upon recount and certification by the county board of
8 elections of such election result, shall be restricted to such
9 candidates, shall be held within 60 days of the annual school
10 election, and shall be conducted in accordance with procedures for
11 annual and special school elections set forth in Title 19 of the
12 Revised Statutes. The vacancy shall be filled by the **【county】**
13 regional superintendent if in such special election two or more
14 candidates qualified by law for membership on the school board
15 receive an equal number of votes;

16 d. By special election if there is a failure to elect a member at
17 the annual school election due to improper election procedures.
18 Such special election shall be restricted to those persons who were
19 candidates at such annual school election, shall be held within 60
20 days of such annual school election, and shall be conducted in
21 accordance with the procedures for annual and special school
22 elections set forth in Title 19 of the Revised Statutes;

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

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

27 Each member so appointed shall serve until the organizational
28 meeting following the next annual election unless he is appointed to
29 fill a vacancy occurring within the 60 days immediately preceding
30 such election to fill a term extending beyond such election, in which
31 case he shall serve until the organizational meeting following the
32 second annual election next succeeding the occurrence of the
33 vacancy, and any vacancy for the remainder of the term shall be
34 filled at the annual election or the second annual election next
35 succeeding the occurrence of the vacancy as the case may be.

36 (cf: P.L.1996, c.153)

37

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

39 18A:13-4. Each regional school district shall be under the
40 supervision of the **【county】 regional** superintendent of the **【county】**
41 region in which the constituent districts having the greatest amount
42 of ratables are situate.

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

44

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

46 18A:13-8. The board of education of a regional district shall
47 consist of nine members unless it consists of more than nine
48 constituent districts, in which case the membership shall be the

1 same as the number of constituent districts, plus one. If there are
2 nine or less constituent districts, the members of the board of
3 education of the regional district shall be apportioned by the
4 **[county]** regional superintendent or **[county]** regional
5 superintendents of the **[county]** region or **[counties]** regions in
6 which the constituent districts are situate, among said districts as
7 nearly as may be according to the number of their inhabitants
8 except that each constituent district shall have at least one member.

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

21 If there are more than nine constituent districts, the members on
22 the board shall be apportioned among the constituent districts and
23 the weight of their votes in all proceedings of the board shall be
24 determined by the appropriate **[county]** regional superintendent or
25 superintendents through the following procedure:

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

29 b. A representative ratio shall be calculated by adding the
30 number of inhabitants of all constituent districts and dividing the
31 sum by the board size.

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

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

47 e. The members of the regional district board of education shall
48 be apportioned among the representative districts according to the

1 method of equal proportions, and where a representative district is
2 composed of more than one constituent district, members shall be
3 elected at large from within the representative district.

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

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

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

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

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

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

43 b. The regional district is an all purpose district,

44 the membership of the regional board of education from such
45 district shall be apportioned, and from time to time reapportioned,
46 and the members from the district shall be elected, as their
47 respective terms expire, in the same manner as though each of the
48 municipalities making up such constituent district were constituent

1 districts of the regional district.

2 (cf: P.L.1992, c.159, s.9)

3

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

5 18A:13-9. Each apportionment shall continue in effect unless
6 and until a reapportionment shall become necessary by reason of the
7 official promulgation of the next Federal census or the enlargement
8 of the regional district by the admission of one or more local
9 districts. In any such case, immediately after the official
10 promulgation of said census or the certification of a favorable result
11 of the election for enlargement of the regional district the [county]
12 regional superintendent or [county] regional superintendents of the
13 [county] region or [counties] regions in which the constituent
14 districts are situate shall reapportion the members accordingly but
15 all members shall continue in office for the terms for which they
16 were elected or appointed notwithstanding any reapportionment. If
17 any constituent district shall become entitled to increased
18 representation on the board the additional members shall be elected
19 at the next annual school election of the regional district. If, as a
20 result of such reapportionment, a disproportionate number of the
21 total representatives of any one constituent district to a regional
22 board are to be elected at a single annual school election, the
23 commissioner shall have the power, on petition of a constituent
24 district board of education, to alter the term of any member
25 representing such constituent district by not more than 1 year, so as
26 to temporarily apportion, as equally as possible over any given 3-
27 year period, the election of the members representing such
28 constituent district.

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

30

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

32 18A:13-12. The board shall hold a regular meeting forthwith
33 after its first appointment, and annually thereafter on any day of the
34 first or second week following the annual school election, at which
35 it shall organize by the election, from among its members, of a
36 president and vice president, who shall serve until the organization
37 meeting next succeeding the election of their respective successors
38 as members of the board. If any board shall fail to organize within
39 said two weeks, the [county] regional superintendent of the
40 [county] region, or the [county] regional superintendents of the
41 [counties] regions, in which the constituent districts are situate,
42 shall appoint, from among the members of the board, a president
43 and vice president to serve until the organization meeting next
44 succeeding the next election.

45 (cf: P.L.1987, c.289, s.6)

46

47 41. N.J.S.18A:13-33 is amended to read as follows:

48 18A:13-33. Whenever the board of education of a regional

1 district and the commissioner or his representative, shall, after
2 consultation, study and investigation, determine that it is advisable
3 to add to the purposes for which the regional district was created,
4 one or more of the purposes for which such a district may be
5 created as provided in this chapter, the regional board shall by
6 resolution frame and adopt a proposal to that effect and submit to
7 the voters of the regional district at any school election held
8 therein, the question, whether or not said proposal shall be
9 approved, briefly describing the contents thereof and stating the
10 date of its adoption by the regional board of education, and if, at
11 said election, said proposal is adopted by a majority of the votes
12 cast thereon in the regional district, the secretary of the regional
13 district shall certify to the **【county】 regional** superintendent of each
14 **【county】 region** in which any of the constituent districts of the
15 regional district is situate, and to the commissioner, the result of
16 said election and thereafter the regional board of education shall be
17 authorized to carry out such additional purpose or purposes.

18 If the proposal to add additional purposes will convert the
19 regional district from a limited purpose regional district to an all
20 purpose regional district, the proposal shall be submitted to the
21 voters of each of the constituent districts of the regional district
22 instead of at large to the voters of the regional district.

23 If the boards of education of a regional district, and of each local
24 district, proposing to join therewith to enlarge said regional district,
25 and the commissioner or his representative, shall, after consultation,
26 study and investigation, determine by resolution so to add to the
27 purpose or purposes of the regional district, the authorization of the
28 adoption of such additional purpose or purposes shall be included
29 by resolution in the proposal to enlarge said regional district and
30 shall be so submitted to the voters of the regional district and of
31 each proposed new constituent district at the election to be held in
32 relation to the enlargement of said regional district.

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

34

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

36 18A:13-35. The secretary of each local district, so proposed to
37 be included in the proposed regional district, shall certify to the
38 **【county】 regional** superintendent of the **【county,】 region** in which
39 such district is situate, within 5 days after such election, the results
40 of the election held therein for the creation of a regional district,
41 showing the number of votes cast for, and the number cast against,
42 the adoption of the proposal to create such a regional district
43 submitted therein, in each municipality in his district and each
44 **【county】 regional** superintendent of a **【county,】 region** in which
45 any such municipality or municipalities are situate, shall canvass
46 the vote cast in each such municipality and if such **【county】**
47 **regional** superintendent or superintendents shall determine from
48 such certificates that a majority of the votes cast for and against the

1 proposal submitted at said election were cast for its adoption in a
2 consolidated district or in each such municipality other than a
3 constituent of a consolidated district, he or they shall immediately
4 certify to the board of education of each such local district, the
5 result of such vote as so determined and the regional school district
6 shall be created and any other provisions included in such proposal
7 in accordance with the provisions of this chapter shall become
8 effective on the twentieth day following the day of such election.

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

10
11 43. N.J.S.18A:13-36 is amended to read as follows:

12 18A:13-36. The **【county】** regional superintendent or **【county】**
13 regional superintendents of any **【county】** region or **【counties,】**
14 regions in which such newly created regional district is situate,
15 shall calculate and apportion the membership of the board of
16 education of such newly created regional district in accordance with
17 the provisions of section 18A:13-8 and if such regional district is
18 an all purpose regional district such membership shall be
19 apportioned among the municipalities included within the districts
20 according to the number of their inhabitants, as apportionment is
21 made among constituent districts forming a limited purpose regional
22 district, and the members shall be elected or appointed in
23 accordance with such apportionment.

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

25
26 44. N.J.S.18A:13-37 is amended to read as follows:

27 18A:13-37. The **【county】** regional superintendent of each
28 **【county】** region in which there is located any constituent district of
29 a newly created regional district shall appoint from among the
30 citizens of each constituent district in his **【county】** region ,
31 qualified as required by sections 18A:12-1 and 18A:13-7 of this
32 title, the number of members of the board of education of the
33 regional district requisite to represent such constituent district and
34 all of the members so appointed shall constitute the first board of
35 education of the regional district.

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

37
38 45. N.J.S.18A:13-38 is amended to read as follows:

39 18A:13-38. The **【county】** regional superintendent or **【county】**
40 regional superintendents appointing the first board of education of a
41 regional district shall allocate the initial elective terms for the first
42 elective members of said board in the following manner:

43 (1) In regional districts having nine members, three members
44 shall be elected for three years, three for two years and three for one
45 year, which terms shall be allocated to the constituent districts to
46 the extent of apportioned membership on the regional board of
47 education, starting with the allocation of the terms of three years, by
48 allocating one of such terms to each of the constituent districts in

1 the alphabetical order of the names of such districts, and continuing
2 then still in such order with allocation of the terms of two years
3 and with allocation of the terms of one year.

4 (2) In regional districts in which there are more than nine
5 constituent school districts, the allocation for the tenth district shall
6 be a term of three years, for the eleventh district a term of two
7 years, and for the twelfth district a term of one year, with
8 continuation of such rotation until provision has been made for
9 allocation of the terms to all districts.

10 In any regional district in which the constituent districts have
11 been or will be dissolved, said allocation shall be made among the
12 municipalities included within the regional district in the manner
13 hereinbefore provided for allocation among the constituent districts.

14 The [county] regional superintendent or [county] regional
15 superintendents shall notify the board, when it shall have been
16 organized, of the allocation of initial elective terms for its members
17 as so made.

18 (cf: N.J.S.18A:13-38)

19
20 46. N.J.S.18A:13-44 is amended to read as follows:

21 18A:13-44. The secretary of the regional district and of each
22 local district, which is included in the proposal to enlarge the
23 regional district, shall certify to the [county] regional
24 superintendent of the [county] region in which such district is
25 situate, within five days after such election, the result of the
26 election in his district showing the number of votes cast for, and
27 the number cast against, the adoption of such proposal and such
28 [county] regional superintendent or [county] regional
29 superintendents shall canvass the vote and if he or they shall
30 determine from such certificates that such proposal was adopted in
31 the regional school district and in each proposed constituent
32 district, he or they shall notify the board of education of the
33 regional district and of each proposed constituent district, and the
34 commissioner, accordingly and the enlargement of the regional
35 district, by the admission thereto of the proposed constituent
36 district or districts, and any other provisions included in such
37 proposal in accordance with the provisions of this chapter shall
38 become effective on the twentieth day following the day of said
39 election.

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

41
42 47. N.J.S.18A:13-46 is amended to read as follows:

43 18A:13-46. The [county] regional superintendent of the
44 [county] region in which any new constituent district of an
45 enlarged regional district shall be situate shall, not later than 30
46 days after the election for the enlargement thereof, appoint one
47 member of the enlarged board of education of the regional district
48 from among the qualified citizens of each such new constituent

1 district and the members so appointed shall serve until the first
2 Monday succeeding the first annual school election of the enlarged
3 regional district and their successors shall be elected at said
4 election. If by reason of the enlargement of the district it becomes
5 necessary to reapportion the membership of the enlarged board of
6 education the [county] regional superintendent or superintendents
7 of the [county] region or [counties] regions in which the
8 constituent local districts of the enlarged district are situate shall
9 reapportion the membership of the enlarged board of education in
10 accordance with the provisions of sections 18A:13-8 and 18A:13-
11 36, and at the same time shall designate the number of members to
12 be elected from each constituent school district at the succeeding
13 annual school election to be held therein upon the expiration of the
14 terms of office of the members of the regional board then in office,
15 in such manner that the representation of the constituent districts
16 shall be established in accordance with such reapportionment at the
17 earliest possible time but the members then in office shall continue
18 in office for the terms for which they were elected or appointed
19 notwithstanding such reapportionment.

20 (cf: N.J.S.18A:13-46)

21
22 48. Section 1 of P.L.1975, c.360 (C.18A:13-51) is amended to
23 read as follows:

24 1. The board of education of any local school district constituting
25 part of a limited purpose regional school district or the governing
26 body of the municipality constituting a constituent district may, by
27 resolution, apply to the [county] regional superintendent of schools
28 to make an investigation as to the advisability of withdrawal of such
29 local district from the regional district.

30 A majority of the boards of education of the school districts
31 which constitute a limited purpose regional school district and a
32 majority of the governing bodies of the municipalities which
33 constitute the constituent school districts of a limited purpose
34 regional school district may, by separate resolutions, apply to the
35 [county] regional superintendent of schools to make an
36 investigation as to the advisability of the dissolution of the regional
37 district.

38 Within 21 days following adoption of the resolution or
39 resolutions required pursuant to this section, the [county] regional
40 superintendent shall call a meeting of representatives of each
41 constituent governing body, each board of education constituting
42 part of the regional district, and the board of education of the
43 regional district to review the procedures to be followed for the
44 withdrawal from, or dissolution of, the limited purpose regional
45 district. This meeting, however, may be called by the [county]

1 regional superintendent prior to the adoption of the required
2 resolutions.

3 (cf: P.L.1993, c.255, s.1)
4

5 49. Section 2 of P.L.1975, c.360 (C.18A:13-52) is amended to
6 read as follows:

7 2. The **【executive county】** regional superintendent shall, within
8 60 days after such request, file with the governing bodies of the
9 municipalities constituting the regional district and the boards of
10 education of all of the constituent school districts and the board of
11 education of the regional school district a report containing a
12 statement of the current assets and operating expenses of the
13 regional district for the then current year and such financial,
14 educational and other information as he may deem necessary to
15 enable said governing bodies and local boards of education and
16 regional board of education to form an intelligent judgment as to
17 the advisability of the proposed withdrawal or dissolution and the
18 effect thereof upon the educational and financial condition of the
19 withdrawing district and the regional district, or upon each of the
20 constituent districts in the event of a dissolution and setting forth
21 the amount of indebtedness, if any, to be assumed by the
22 withdrawing and the regional districts, or by each constituent
23 district in the event of a dissolution, calculated as hereinafter
24 provided. The report, in discussing the educational and financial
25 effect of the withdrawal or dissolution, shall include the effect
26 thereof upon the administrative and operational efficiencies, and the
27 resultant cost savings or cost increases, in the withdrawing and the
28 regional districts, or by each constituent district in the event of a
29 dissolution.

30 The **【executive county】** regional superintendent may require the
31 constituent municipalities and school districts and the regional
32 district to submit a feasibility study in order to determine the
33 educational and financial impact of the withdrawal from, or
34 dissolution of, the limited purpose regional district. In the event the
35 **【executive county】** regional superintendent requests a feasibility
36 study to be conducted, the **【executive county】** regional
37 superintendent's report required pursuant to this section shall be
38 filed within 60 days following submission of the feasibility study.

39 (cf: P.L.2007, c.63, s.52)
40

41 50. Section 3 of P.L.1975, c.360 (C.18A:13-53) is amended to
42 read as follows:

43 3. The **【county】** regional superintendent shall calculate the
44 amount of indebtedness relating to buildings, grounds, furnishings,
45 equipment and additions thereto so to be assumed on the basis of
46 the proportion which the replacement cost of the buildings, grounds,
47 furnishings, equipment, and additions thereto of the regional district
48 situated in the withdrawing district, or in each of the constituent

1 districts in the event of a dissolution, bears to the replacement cost
2 of the buildings, grounds, furnishings, equipment and additions
3 thereto situated in the entire regional district. Said replacement cost
4 shall be determined according to rules prescribed by the
5 commissioner with the approval of the State board and in
6 accordance with recognized accounting practices. The [county]
7 regional superintendent shall also calculate the amount of all other
8 indebtedness and unfunded liabilities to be so assumed on an
9 equitable basis.

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

11
12 51. Section 4 of P.L.1975, c.360 (C.18A:13-54) is amended to
13 read as follows:

14 4. The municipal governing body or the board of education of
15 the withdrawing district or the municipal governing body and the
16 board of education of each constituent district seeking dissolution
17 may, within 30 days after the filing of the report by the [county]
18 regional superintendent, petition the commissioner for permission
19 to submit to the legal voters of the withdrawing district and the
20 remaining districts within the regional district the question whether
21 or not it shall so withdraw or in the event of a dissolution to submit
22 to the legal voters of each constituent district whether the regional
23 district shall dissolve. The board may request in the petition any
24 specific reduction or increase in the amount of indebtedness to be
25 assumed as set forth in the [county] regional superintendent's
26 report. Proof of the service of a copy of the petition upon the
27 municipal governing body and the board of education of each
28 constituent district, the board of education of the regional district,
29 and the [county] regional superintendent, prior to the filing of the
30 petition, shall accompany the petition.

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

32
33 52. Section 5 of P.L.1975, c.360 (C.18A:13-55) is amended to
34 read as follows:

35 5. The governing body of any municipality constituting a
36 constituent district or the board of education of any such constituent
37 district and the board of education of the regional district shall,
38 within 15 days after service of a copy of the petition upon it, file an
39 answer thereto with the commissioner and serve a copy of such
40 answer upon the board of education of every other constituent
41 district and of the regional district and the [county] regional
42 superintendent. The answer shall set forth matters similar to those
43 described in section 6 of this act.

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

45
46 53. Section 7 of P.L.1975, c.360 (C.18A:13-57) is amended to
47 read as follows:

48 7. If the application be granted, the [county] regional

1 superintendent shall, after conferring with the boards of education
2 of the constituent districts, fix a day and a time on said day for
3 holding a special school election, at which time the question
4 whether or not the withdrawing school district shall withdraw from
5 the regional district or whether the regional district shall be
6 dissolved, whichever shall be applicable, shall be submitted to the
7 legal voters of the withdrawing district and to the legal voters
8 within the remainder of the regional district or to the legal voters of
9 each of the constituent districts in the event of a dissolution.

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

11
12 54. Section 8 of P.L.1975, c.360 (C.18A:13-58) is amended to
13 read as follows:

14 8. The amount of indebtedness to be assumed by the
15 withdrawing district or by each of the constituent districts in the
16 event of a dissolution and the effect of such indebtedness upon the
17 borrowing margin of the municipality, the withdrawing district, the
18 remaining districts, and the remaining municipalities within the
19 regional district, or by each of the constituent districts and
20 municipalities within the regional district in the event of a
21 dissolution, shall be stated in the notices and advertisements of the
22 special school election and in the ballots to be used therein, and said
23 election shall be conducted and the results thereof determined in the
24 manner prescribed by law for special school elections in type II
25 districts. The result shall be certified within five days after the
26 holding of the election to the [county] regional superintendent and
27 to the boards of education of the withdrawing district, the regional
28 district and the constituent districts within the regional district, or to
29 the boards of education of each of the constituent districts in the
30 event of a dissolution.

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

32
33 55. Section 10 of P.L.1975, c.360 (C.18A:13-60) is amended to
34 read as follows:

35 10. The members of the board of education of the regional
36 district shall continue in office until the withdrawal of the district or
37 the dissolution of the regional district has become effective. When
38 a withdrawal has taken effect, the terms of those members of the
39 regional board who reside in the withdrawing district shall
40 thereupon expire, and the vacancies so occurring shall be
41 reapportioned among the remaining districts and filled by
42 appointment by the [county] regional superintendent to serve until
43 the next annual school election of the regional district, at which
44 time their successors shall be elected in accordance with such
45 reapportionment.

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

47
48 56. Section 11 of P.L.1975, c.360 (C.18A:13-61) is amended to

1 read as follows:

2 11. The withdrawing district and the remaining districts, or each
3 constituent district in the event of a dissolution, shall take title to
4 and control of all school grounds and buildings, and the furnishings
5 and equipment therein, other than those which had been rotated or
6 shared among the regional schools, situated in their respective
7 districts on the effective date of withdrawal or dissolution as
8 established by the commissioner. The **【county】** regional
9 superintendent shall allot a fair proportion of the shared or rotated
10 furnishings and equipment to the withdrawing district or to each of
11 the constituent districts in the event of a dissolution.

12 Upon the assumption of title, each board shall also assume such
13 amount of the indebtedness of the original regional school district
14 as shall have been determined by the board of review. In the event
15 of a withdrawal, the withdrawing district shall pay to the regional
16 board of education, at least five days before it becomes due, the
17 amount of the principal and interest of the assumed indebtedness;
18 such principal and interest shall be paid by the regional board,
19 together with such amount due on its assumed indebtedness, at and
20 when it becomes due and payable. In the event of a dissolution, the
21 **【county】** regional superintendent and board of review, in
22 determining the amount of indebtedness to be assumed by each
23 constituent district, shall give due regard to the value of school
24 buildings and grounds being conveyed to the constituent district in
25 which those buildings and grounds are located.

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

27

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

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

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

38

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

41 13. If in the event of a withdrawal from the regional district as a
42 result of the foregoing procedures a limited purpose regional school
43 district shall be left with only one constituent local school district,
44 such regional school district shall be dissolved upon the effective
45 date of the withdrawal of the other constituent school districts, and
46 such remaining constituent municipality shall thenceforth be
47 constituted a separate local school district and governed by the laws
48 applicable thereto. If all of the local districts withdraw from the

1 regional district, such regional district shall be dissolved upon the
2 effective date of the last withdrawal, and its assets and liabilities
3 shall devolve upon the respective withdrawing districts in
4 accordance with the division made by the [county] regional
5 superintendent as provided in section 12 hereof.

6 Upon the effective date of a dissolution of a regional district
7 each constituent municipality shall thenceforth be constituted a
8 separate local school district and be governed by the laws
9 applicable thereto, and its assets and liabilities shall devolve upon
10 the respective constituent districts in accordance with the division
11 made by the [county] regional superintendent as provided in
12 section 12 of P.L.1975, c.360 (C.18A:13-62).

13 (cf: P.L.1993, c.255, s.12)

14
15 59. Section 1 of P.L.1989, c.90 (C.18A:13-66) is amended to
16 read as follows:

17 1. The governing body of any municipality constituting a part
18 of an all purpose regional district may, by resolution, apply to the
19 [county] regional superintendent of schools to investigate the
20 advisability of the withdrawal of the municipality from the all
21 purpose regional district.

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

23
24 60. Section 2 of P.L.1989, c.90 (C.18A:13-67) is amended to
25 read as follows:

26 2. The [county] regional superintendent shall, within 60 days
27 after the request, file with the governing bodies of the
28 municipalities constituting the all purpose regional district and the
29 board of education of the all purpose regional school district, a
30 report containing a statement of the current assets and operating
31 expenses of the all purpose regional district for the current year and
32 any financial, educational and other information that he may deem
33 necessary to enable the governing bodies and the regional board of
34 education to form an intelligent judgment as to the advisability of
35 the proposed withdrawal and its effect upon the educational and
36 financial condition of the withdrawing municipality and the all
37 purpose regional district and setting forth the amount of
38 indebtedness, if any, to be assumed by the withdrawing
39 municipality and the all purpose regional district, calculated as
40 hereinafter provided.

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

42
43 61. Section 3 of P.L.1989, c.90 (C.18A:13-68) is amended to
44 read as follows:

45 3. The [county] regional superintendent shall calculate the
46 amount of indebtedness to be assumed on the basis of the
47 proportion which the replacement cost of the buildings, grounds,
48 furnishings, equipment, and additions thereto of the all purpose

1 regional district situated in the withdrawing municipality bears to
2 the replacement cost of the buildings, grounds, furnishings,
3 equipment and additions thereto situated in the entire all purpose
4 regional district. The replacement cost shall be determined
5 according to rules prescribed by the Commissioner of Education
6 with the approval of the State board and in accordance with
7 recognized accounting practices.

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

9
10 62. Section 4 of P.L.1989, c.90 (C.18A:13-69) is amended to
11 read as follows:

12 4. The governing body of the withdrawing municipality may,
13 within 30 days after the filing of the report by the [county] regional
14 superintendent, petition the commissioner for permission to submit
15 to the legal voters of the withdrawing municipality and the
16 remaining municipalities within the all purpose regional district the
17 question whether or not it shall withdraw from the all purpose
18 regional district, and in the petition the governing body may request
19 any specific reduction or increase in the amount of indebtedness to
20 be assumed as set forth in the [county] regional superintendent's
21 report. Proof of the service of a copy of the petition upon the
22 municipal governing body of each constituent municipality, the
23 board of education of the all purpose regional district, and the
24 [county] regional superintendent, prior to the filing of the petition,
25 shall accompany the petition.

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

27
28 63. Section 5 of P.L.1989, c.90 (C.18A:13-70) is amended to
29 read as follows:

30 5. The governing body of any constituent municipality of the
31 all purpose regional district and the board of education of the all
32 purpose regional district shall, within 15 days after service of a
33 copy of the petition upon it, file an answer to the petition with the
34 commissioner and serve a copy of the answer upon the governing
35 body of every other constituent municipality and upon the board of
36 education of the all purpose regional district and the [county]
37 regional superintendent. The answer shall set forth matters similar
38 to those described in section 6 of this act.

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

40
41 64. Section 7 of P.L.1989, c.90 (C.18A:13-72) is amended to
42 read as follows:

43 7. If the application is granted, the [county] regional
44 superintendent shall, after conferring with the governing bodies of
45 the constituent municipalities of the regional district, fix a day and a
46 time for holding a special school election, at which time the
47 question whether or not the withdrawing municipality shall
48 withdraw from the all purpose regional district shall be submitted to

1 the legal voters of the withdrawing municipality and to the legal
2 voters within the remainder of the all purpose regional district.
3 (cf: P.L.1989, c.90, s.7)

4

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

7 8. The amount of indebtedness to be assumed by the
8 withdrawing municipality and the effect of the indebtedness upon
9 the borrowing margin of the municipality and the remaining
10 municipalities within the all purpose regional district shall be stated
11 in the notices and advertisements of the special school election and
12 in the ballots to be used therein, and the election shall be conducted
13 and the results of the election shall be determined in the manner
14 prescribed by law for special school elections in type II districts.
15 The result shall be certified within five days after the holding of the
16 election to the **【county】 regional** superintendent, the governing
17 bodies of the withdrawing municipality and the constituent
18 municipalities of the all purpose regional district, and the board of
19 education of the all purpose regional district.
20 (cf: P.L.1989, c.90, s.8)

21

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

24 10. The members of the board of education of the all purpose
25 regional district shall continue in office until the withdrawal of the
26 municipality becomes effective. When the withdrawal takes effect,
27 the terms of those members of the regional board who reside in the
28 withdrawing municipality shall expire, and the vacancies occurring
29 shall be reapportioned among the remaining municipalities and
30 filled by appointment by the **【county】 regional** superintendent to
31 serve until the next annual school election of the all purpose
32 regional district, at which time their successors shall be elected in
33 accordance with the reapportionment.
34 (cf: P.L.1989, c.90, s.10)

35

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

38 11. The members of the regional board who reside in the
39 withdrawing municipality shall be members of the first board of
40 education of the new district. They shall continue to serve as
41 members of the board of education of the new district until the
42 expiration of the respective terms for which they were elected as
43 members of the board of education of the all purpose regional
44 district. The number of additional members of the first board of
45 education required to complete full membership of the board shall
46 be appointed by the **【county】 regional** superintendent to serve until
47 the next annual school election or, in the case of a type I district,
48 until the next annual appointment period of the new district, at

1 which time their successors shall be elected or appointed.

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

3
4 68. Section 12 of P.L.1989, c.90 (C.18A:13-77) is amended to
5 read as follows:

6 12. The new district and the all purpose regional district shall
7 take title to and control of all school grounds and buildings, and the
8 furnishings and equipment therein, other than those which had been
9 rotated or shared among the regional schools, situated in their
10 respective districts on the effective date of withdrawal as
11 established by the commissioner. The **【county】** regional
12 superintendent shall allot a fair proportion of the shared or rotated
13 furnishings and equipment to the new district.

14 Upon the assumption of title, each board shall also assume the
15 amount of the indebtedness of the original all purpose regional
16 district as determined by the board of review. The new district shall
17 pay to the regional board of education, at least five days before it
18 becomes due, the amount of the principal and interest of the
19 assumed indebtedness. The principal and interest shall be paid by
20 the regional board, together with the amount due on its assumed
21 indebtedness, as and when it becomes due and payable.

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

23
24 69. Section 13 of P.L.1989, c.90 (C.18A:13-78) is amended to
25 read as follows:

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

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

32
33 70. Section 14 of P.L.1989, c.90 (C.18A:13-79) is amended to
34 read as follows:

35 14. If as a result of the foregoing procedures an all purpose
36 regional district is left with only one constituent municipality, the
37 all purpose regional district shall be dissolved upon the effective
38 date of the withdrawal of the other constituent municipalities, and
39 the remaining constituent municipality shall thenceforth be
40 constituted a separate local school district and governed by the laws
41 applicable thereto. If all of the municipalities withdraw from the all
42 purpose regional district, the all purpose regional district shall be
43 dissolved upon the effective date of the last withdrawal, and its
44 assets and liabilities shall devolve upon the respective withdrawing
45 municipalities in accordance with the division made by the
46 **【county】** regional superintendent as provided in section 13 of this
47 act.

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

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

2 18A:15-1. At its first regular meeting each board shall organize
3 by electing one of its members as president and another as vice
4 president, who shall serve for one year and until their respective
5 successors are elected and shall qualify, but if the board shall fail
6 to hold said meeting or to elect said officers, as prescribed by this
7 law, the [county] regional superintendent shall appoint from among
8 the members of the board a president and vice president.
9 (cf: N.J.S.18A:15-1)

10

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

12 18A:15-2. A president or vice president of a board of education
13 who shall refuse to perform a duty imposed upon him by this law
14 may be removed by a majority vote of all of the members of the
15 board, and in case the office of president or vice president shall
16 become vacant the board shall, within 30 days thereafter fill the
17 vacancy for the unexpired term. If the board shall fail to fill the
18 vacancy within such time, the [county] regional superintendent
19 shall fill the vacancy for the unexpired term.
20 (cf: N.J.S.18A:15-2)

21

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

23 18A:17-5. Each secretary shall be appointed by the board, by a
24 recorded roll call majority vote of its full membership, for a term to
25 expire not later than June 30 of the calendar year next succeeding
26 that in which the board shall have been organized, but he shall
27 continue to serve after the expiration of his term until his successor
28 is appointed and qualified. The secretary may be appointed from
29 among the members of the board and, subject to the provisions of
30 this Title and any other law, the board shall fix his compensation;
31 provided, however, that the secretary shall not receive
32 compensation from the board for any period during which he is an
33 elected or appointed member of the board.

34 In case of a vacancy in the office of secretary, the vacancy shall
35 be filled by the board within 60 days after the vacancy occurs and
36 if the board does not make such appointment within such time the
37 [county] regional superintendent shall appoint a secretary who
38 shall receive the same compensation as his predecessor in office
39 received and shall serve until a secretary is appointed by the board.
40 (cf: P.L.1968, c.271, s.1)

41

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

43 18A:17-10. The secretary shall, at the close of each fiscal year,
44 present to the board a detailed report of its financial transactions
45 during such year and file such copies thereof with the [county]
46 regional superintendent as shall be required by the commissioner
47 and he shall also make report on or before August 1 of each year of
48 such matters, in such manner and form, as shall be prescribed by the

1 commissioner.
2 (cf: N.J.S.18A:17-10)

3
4 75. N.J.S.18A:17-14.1 is amended to read as follows:

5 18A:17-14.1. A board or the boards of two or more districts may,
6 under rules and regulations prescribed by the State board, appoint a
7 school business administrator by a majority vote of all the members
8 of the board, define his duties, which may include serving as
9 secretary of one of the boards, and fix his salary, whenever the
10 necessity for such appointment shall have been agreed to by the
11 **[county]** regional superintendent of schools or the **[county]**
12 regional superintendents of schools of the **[counties]** regions in
13 which the districts are situate and approved by the commissioner
14 and the State board.

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

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

22
23 76. N.J.S.18A:17-15 is amended to read as follows:

24 18A:17-15. The board of education of a Type I district and of
25 any Type II district, now having or hereafter authorized to have a
26 superintendent of schools, may, by contract appoint, for a term of
27 not less than three nor more than five years and expiring July 1, a
28 superintendent of schools by the recorded roll call majority vote of
29 the full membership of the board.

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

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

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

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

2 18A:17-21. Each superintendent of schools shall render to the
3 commissioner and to the **【county】 regional** superintendent of
4 schools having jurisdiction over the district a report of such matters
5 relating to the schools, under his supervision as shall be required
6 by the commissioner, and in the manner and form prescribed by
7 him, on or before August 1 of each year.
8 (cf: N.J.S.18A:17-21)
9

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

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

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

38 b. The **【county】 regional** superintendent or superintendents shall
39 review the plan and forward a recommendation to the
40 Commissioner of Education who shall approve or disapprove the
41 plan.

42 (cf: P.L.1996, c.111, s.4)
43

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

46 5. Any boards obtaining the approval of the Commissioner of
47 Education may contract with one another for the sharing of a
48 superintendent or school business administrator. The contract shall

1 be in writing and shall address the responsibilities of each district
2 under the sharing relationship, including the apportionment of costs.
3 The agreement shall be made contingent upon the districts' mutual
4 agreement on a candidate to fill the shared position and shall be
5 conterminous with the superintendent's or business administrator's
6 employment contract. A candidate for the position of
7 superintendent shall hold the standard certificate of school
8 administrator and a candidate for the position of school business
9 administrator shall hold the standard certificate of school business
10 administrator.

11 a. The school districts shall together agree on how the initial
12 costs of sharing a superintendent or business administrator shall be
13 apportioned, which apportionment shall be expressed as a
14 percentage for each district, and shall include the cost of salaries
15 and benefits.

16 b. At least one year prior to the expiration of the first or any
17 subsequent contract between school boards sharing a superintendent
18 or business administrator, a board wishing to terminate the contract
19 shall notify, in writing, the other board or boards and the
20 superintendent or business administrator, that it wishes to terminate
21 the contract.

22 c. Should a board give a notice of termination, the contract
23 between the boards shall be terminated at the expiration of that term
24 and the superintendent or business administrator shall not be
25 reappointed by the joint boards at the end of the current term.
26 However, the termination shall not preclude a board from
27 reemploying the superintendent or business administrator on an
28 individual basis.

29 d. Upon the expiration of a contract between school boards
30 sharing a superintendent or business administrator, the boards shall
31 submit a report to the **【county】** regional superintendent or
32 superintendents, which shall include an evaluation of the sharing
33 relationship and the feasibility of voluntarily forming a regional
34 district.

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

36

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

39 11. The **【county】** regional superintendent or superintendents if
40 the districts are in different **【counties】** regions shall serve as a
41 mediator for any disputes arising over the interpretation of the
42 contract between the boards of education sharing a superintendent
43 or a school business administrator.

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

45

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

47 18A:17-36. The treasurer shall render to the board monthly, and
48 at such other times as shall be requested by the board, reports

1 giving a detailed account of all receipts, the amounts of all warrants
2 signed by him since the date of his last report and the accounts
3 against which, and the purposes for which, the warrants were
4 drawn and the balance to the credit of each account, and at the close
5 of the school year and not later than August 1 of each year he shall
6 render an annual report showing the amounts received and
7 disbursed by him for school purposes during said year, a duplicate
8 whereof shall be filed with the [county] regional superintendent,
9 and shall also report to the [county] regional superintendent in the
10 manner and form prescribed by the commissioner.

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

12

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

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

23 (b) No such public school law enforcement officer shall be
24 employed, except upon the application of a board of education and
25 with the approval of the [county] regional superintendent.

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

27

28 83. N.J.S.18A:18A-14 is amended to read as follows:

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

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

42

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

45 2. Except as otherwise provided pursuant to this section,
46 whenever a school district desires to transfer amounts among line
47 items and program categories, the transfers shall be by resolution of

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

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

30
31 85. N.J.S.18A:22-26 is amended to read as follows:

32 18A:22-26. At or after the public hearing but not later than April
33 8, the board of school estimate of a type II district having a board of
34 school estimate shall fix and determine by a recorded roll call
35 majority vote of its full membership the amount of money necessary
36 to be appropriated for the use of the public schools in the district for
37 the ensuing school year, exclusive of the amount which shall be
38 apportioned to it by the commissioner for the year pursuant to the
39 provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall
40 make a certificate of the amount signed by at least a majority of all
41 members of the board, which shall be delivered to the board of
42 education and a copy thereof, certified under oath to be correct and
43 true by the secretary of the board of school estimate, shall be
44 delivered to the county board of taxation on or before April 15 in
45 each year and a duplicate of the certificate shall be delivered to the
46 board or governing body of each of the municipalities within the
47 territorial limits of the district having the power to make
48 appropriations of money raised by taxation in the municipalities or

1 political subdivisions and to the **【county】** regional superintendent
2 of schools and the amount shall be assessed, levied and raised under
3 the procedure and in the manner provided by law for the levying
4 and raising of special school taxes voted to be raised at an annual or
5 special election of the legal voters in type II districts and shall be
6 paid to the treasurer of school moneys of the district for such
7 purposes.

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

17 (cf: P.L.1996, c.138, s.56)

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

20 18A:22-31. In any district in which the amounts to be raised,
21 levied and collected by taxes for school purposes are fixed and
22 determined by a board of school estimate, the secretary of the board
23 of education shall certify the amounts so estimated to be necessary
24 for said purposes, itemizing the same so as to make the same readily
25 understandable, to each member of the board of school estimate of
26 the district and said board of school estimate shall meet within
27 seven days after the delivery of said certificates and by a recorded
28 roll call majority vote of its full membership, shall fix and
29 determine the amounts necessary to be raised for said purposes,
30 and the secretary of said board shall certify, within five days, said
31 amounts to the board of education, to the board or body of each
32 municipality situate within the district which has power to make
33 appropriations of money to be raised by taxes in such municipality,
34 to the county board of taxation and to the **【county】** regional
35 superintendent of schools.

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

37
38 87. N.J.S.18A:25-5 is amended to read as follows:

39 18A:25-5. The teacher in any school in which but one teacher is
40 employed and the principal in every other school shall file with the
41 superintendent of schools of the district, if there be one, otherwise
42 with the **【county】** regional superintendent, at the time of the closing
43 of the school for the summer vacation or of leaving school before
44 the end of the school year, an annual report on blanks furnished for
45 that purpose by the commissioner. Unless such report is filed at
46 said time the last installment of salary due the teacher or principal
47 for the school year shall not be paid to him until the secretary of
48 the board of education shall have received written notice from the

1 superintendent of the district or the **【county】 regional**
2 superintendent, as the case may be, that such report has been filed.
3 (cf: N.J.S.18A:25-5)

4
5 88. N.J.S.18A:26-6 is amended to read as follows:

6 18A:26-6. No teaching staff member shall be employed in any
7 of the schools of a district having a district board of examiners
8 unless he shall be issued a certificate by said board and holds an
9 appropriate certificate issued by the state board of examiners or the
10 **【county】 regional** superintendent of schools of the **【county】 region**.
11 (cf: N.J.S.18A:26-6)

12
13 89. N.J.S.18A:26-9 is amended to read as follows:

14 18A:26-9. No certificate to teach or supervise in any of the
15 public schools of this state, and no renewal of any such certificate,
16 shall be issued to any applicant unless such applicant shall have
17 first subscribed in duplicate to the oath of allegiance and office
18 prescribed in section 41:1-3 of the Revised Statutes before an
19 officer authorized by law to administer oaths or before a **【county】**
20 **regional** superintendent or the president or secretary of a board of
21 education of this state and until one copy thereof shall have been
22 filed with the **【county】 regional** superintendent and by him
23 transmitted to the commissioner. The other copy of such oath shall
24 be delivered to the applicant and by him to the board, body or
25 person employing such applicant within this state.
26 (cf: N.J.S.18A:26-9)

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

29 18A:27-8. One copy of each such contract so entered into shall
30 be filed with the board, one copy with the person employed
31 thereunder and one copy with the superintendent of schools if there
32 be one, otherwise with the **【county】 regional** superintendent.
33 (cf: N.J.S.18A:27-8)

34
35 91. N.J.S.18A:28-11 is amended to read as follows:

36 18A:28-11. In the case of any such reduction the board of
37 education shall determine the seniority of the persons affected
38 according to such standards and shall notify each such person as to
39 his seniority status, and the board may request the commissioner
40 for an advisory opinion with respect to the applicability of the
41 standards to particular situations, which request shall be referred to
42 a panel consisting of the **【county】 regional** superintendent of the
43 **【county】 region**, the secretary of the state board of examiners and
44 an assistant commissioner of education designated by the
45 commissioner and an advisory opinion shall be furnished by said
46 panel. No determination of such panel shall be binding upon the
47 board of education or any other party in interest or upon the

1 commissioner or the state board if any controversy or dispute arises
2 as a result of such determination and an appeal is taken therefrom
3 pursuant to the provisions of this title.

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

5
6 92. N.J.S.18A:32-1 is amended to read as follows:

7 18A:32-1. Whenever in any county there shall have been raised
8 by subscription a sum of money not less than \$100.00 for the
9 establishment of a library of pedagogical books for the use of the
10 teachers of the public schools, the director of the treasury shall,
11 upon the order of the commissioner, draw his warrant on the state
12 treasurer in favor of the [county] regional superintendent of the
13 [county] region for the sum of \$100.00 for the benefit of such
14 library. Annually thereafter there shall be paid on a like order a
15 sum not less than \$50.00 nor more than \$100.00 upon condition
16 that there shall have been raised by subscription a like sum for the
17 maintenance of the library for the year.

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

19
20 93. N.J.S.18A:32-2 is amended to read as follows:

21 18A:32-2. The [county] regional superintendent and three
22 teachers of public schools in the [county] region appointed by him
23 shall constitute a committee to select and purchase books and
24 apparatus for the library, and to make rules for the management,
25 use, and safekeeping thereof.

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

27
28 94. N.J.S.18A:33-2 is amended to read as follows:

29 18A:33-2. When any school district shall fail to provide such
30 facilities and courses of study, the [county] regional superintendent
31 shall, by order in writing, approved in writing by the commissioner
32 and transmitted to the custodian of school moneys of the district,
33 direct such custodian to withhold further payments, for the account
34 of the district, of any moneys theretofore and thereafter received
35 from state aid until such suitable facilities and courses of study
36 shall be provided, which order shall be effective upon the date
37 stated by the commissioner in his approval thereof. The [county]
38 regional superintendent shall notify the board of education of the
39 district of his action with the reasons therefor forthwith.

40 (cf: N.J.S.18A:33-2)

41
42 95. Section 2 of P.L.1995, c.327 (C.18A:35-22.1) is amended to
43 read as follows:

44 2. A parent or guardian may remove a pupil who is enrolled in
45 a bilingual education program at any time; except that during the
46 first three years of a pupil's participation in a bilingual education
47 program, a parent or guardian may only remove the pupil at the end
48 of each school year. If a parent or guardian wishes to remove the

1 pupil prior to the end of each school year, the removal shall be
2 approved by the [county] regional superintendent of schools. If the
3 [county] regional superintendent determines that the pupil should
4 remain in the bilingual education program until the end of the
5 school year, the parent may appeal the [county] regional
6 superintendent's decision to the Commissioner of Education, or his
7 designee, pursuant to the provisions of section 2 of P.L.1991, c.12
8 (C.18A:35-19.2). The commissioner's decision shall be rendered
9 within 30 days of the filing of the appeal.

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

11
12 96. Section 16 of P.L.1995, c.426 (C.18A:36A-16) is amended
13 to read as follows:

14 16. a. The commissioner shall annually assess whether each
15 charter school is meeting the goals of its charter, and shall conduct
16 a comprehensive review prior to granting a renewal of the charter.
17 The [county] regional superintendent of schools of the [county]
18 region in which the charter school is located shall have on-going
19 access to the records and facilities of the charter school to ensure
20 that the charter school is in compliance with its charter and that
21 State board regulations concerning assessment, testing, civil rights,
22 and student health and safety are being met.

23 b. In order to facilitate the commissioner's review, each charter
24 school shall submit an annual report to the local board of education,
25 the [county] regional superintendent of schools, and the
26 commissioner in the form prescribed by the commissioner. The
27 report shall be received annually by the local board, the [county]
28 regional superintendent, and the commissioner no later than August
29 1.

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

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

36 d. The commissioner shall commission an independent study of
37 the charter school program. The study shall be conducted by an
38 individual or entity identified with expertise in the field of
39 education and the selection shall be approved by the Joint
40 Committee on the Public Schools. The individual or entity shall
41 design a comprehensive study of the charter school program.

42 e. The commissioner shall submit to the Governor, the
43 Legislature, and the State Board of Education by October 1, 2001
44 an evaluation of the charter school program based upon the public
45 input required pursuant to subsection c. of this section and the
46 independent study required pursuant to subsection d. of this section.
47 The evaluation shall include, but not be limited to, consideration of
48 the following elements:

- 1 (1) the impact of the charter school program on resident districts'
- 2 students, staff, parents, educational programs, and finances;
- 3 (2) the impact of the charter school program and the increased
- 4 number of schools on the economics of educational services on a
- 5 Statewide basis;
- 6 (3) the fairness and the impact of the reduction of available
- 7 resources on the ability of resident districts to promote competitive
- 8 educational offerings;
- 9 (4) the impact of the shift of pupils from nonpublic schools to
- 10 charter schools;
- 11 (5) the comparative demographics of student enrollments in
- 12 school districts of residence and the charter schools located within
- 13 those districts. The comparison shall include, but not be limited to,
- 14 race, gender, socioeconomic status, enrollment of special education
- 15 students, enrollment of students of limited English proficiency, and
- 16 student progress toward meeting the core curriculum content
- 17 standards as measured by student results on Statewide assessment
- 18 tests;
- 19 (6) the degree of involvement of private entities in the operation
- 20 and financial support of charter schools, and their participation as
- 21 members of charter school boards of trustees;
- 22 (7) verification of the compliance of charter schools with
- 23 applicable laws and regulations;
- 24 (8) student progress toward meeting the goals of the charter
- 25 schools;
- 26 (9) parent, community and student satisfaction with charter
- 27 schools;
- 28 (10) the extent to which waiting lists exist for admission to
- 29 charter schools and the length of those lists;
- 30 (11) the extent of any attrition among student and faculty
- 31 members in charter schools; and
- 32 (12) the results of the independent study required pursuant to
- 33 subsection d. of this section.

34 The evaluation shall include a recommendation on the
35 advisability of the continuation, modification, expansion, or
36 termination of the program. If the evaluation does not recommend
37 termination, then it shall include recommendations for changes in
38 the structure of the program which the commissioner deems
39 advisable. The commissioner may not implement any recommended
40 expansion, modification, or termination of the program until the
41 Legislature acts on that recommendation.

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

43
44 97. Section 2 of P.L.1988, c.12 (C.18A:38-7.8) is amended to
45 read as follows:

46 2. a. After July 1, 1988, persons of school age who reside on
47 federal property which is located entirely within the geographic
48 boundaries of two or more school districts, one of which is a

1 constituent district of a limited purpose regional district with more
2 than six constituent districts in a county of the fifth class shall be
3 deemed to be domiciled in a district to be designated by the
4 **【county】 regional** superintendent of schools. These persons shall
5 attend the schools of the designated district and the designated
6 district shall count these pupils in the resident enrollment of the
7 district for all State aid and all federal funds provided under
8 Pub.L.81-874, 20 U.S.C. s. 236 et seq.

9 b. The designated district shall be a district that contains within
10 its boundaries a portion of the federal property on which the pupils
11 reside. Not later than 10 days after the effective date of this act, the
12 board of education of any school district that seeks to be designated
13 by the **【county】 regional** superintendent of schools pursuant to this
14 section shall adopt a resolution by majority vote of its members
15 indicating its interest and the resolution shall be forwarded to the
16 **【county】 regional** superintendent. Based on a determination of the
17 best interests of the pupils residing on federal property and pupils
18 residing in the districts seeking designation, the **【county】 regional**
19 superintendent shall, within 30 days of the effective date of this act,
20 certify to the Commissioner of Education which local school
21 district, if any, shall be the designated district. Once the **【county】**
22 **regional** superintendent has certified the designated district, the
23 **【county】 regional** superintendent may not revoke or alter that
24 certification. In the event that no board of education adopts a
25 resolution indicating an interest in being designated pursuant to this
26 section, the **【county】 regional** superintendent shall not designate a
27 district and the pupils residing on the federal property shall attend
28 the schools of the district in which they reside.

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

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

37
38 98. Section 3 of P.L.1988, c.105 (C.18A:38-7.12) is amended to
39 read as follows:

40 3. Persons of school age who reside in a multi-district federal
41 enclave shall be deemed to be domiciled in a single district to be
42 designated by the **【county】 regional** superintendent of schools.
43 Where all persons of school age who reside in a multi-district
44 federal enclave already attend a single district, the **【county】**
45 **regional** superintendent shall designate that district as the district to
46 be attended by all current and future pupils residing in the multi-
47 district federal enclave. Any person attending on the effective date

1 of this act a school in a district other than a district designated by
2 the **【county】 regional** superintendent pursuant to this act shall be
3 permitted to continue in such school until graduation.

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

5
6 99. N.J.S.18A:38-9 is amended to read as follows:

7 18A:38-9. Any child living remote from any public school in the
8 district in which he resides shall be allowed to attend a public
9 school in an adjoining district, with the written consent of the
10 **【county】 regional** superintendent or **【county】 regional**
11 superintendents of each **【county】 region** in which the districts are
12 situate. One copy of such written consent shall be filed with the
13 secretary of the board of education of the district in which the child
14 resides and one copy thereof shall be filed with the secretary of the
15 board of education of the district in which such child shall attend
16 school.

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

18
19 100. Section 1 of P.L.1993, c.384 (C.18A:38-21.1) is amended
20 to read as follows:

21 1. a. Notwithstanding the provisions of N.J.S.18A:38-13 and
22 N.J.S.18A:38-21, any board of education which sends students to
23 another school district may terminate a sending-receiving
24 relationship pursuant to the following conditions:

25 (1) The resident enrollment of the receiving district shall
26 represent more than 95% of the total student enrollment attending
27 the receiving district and the number of students from the sending
28 district who attend the receiving district shall represent less than
29 three percent of the total student enrollment attending the receiving
30 district. Enrollments shall be determined using resident enrollment
31 figures compiled in October of the preceding school year;

32 (2) The sending district shall agree to join a regional school
33 district subsequent to the termination of its sending-receiving
34 relationship;

35 (3) Any secondary school student in the sending district at the
36 time of termination of the sending-receiving relationship shall be
37 permitted to complete his secondary education within the receiving
38 district. The sending-receiving relationship shall be continued for
39 these students;

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

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

47 b. Any school district which meets the conditions of subsection
48 a. of this section must take final action to terminate its sending-

1 receiving relationship within three years following the effective
2 date of this act.

3 c. Any school district which has taken final action to terminate
4 its sending-receiving relationship pursuant to this section shall
5 notify the receiving school district no later than December 1 of the
6 school year prior to the school year in which the termination is to
7 occur. Termination of the sending-receiving relationship shall not
8 occur until the sending district has been admitted to an existing
9 regional school district pursuant to N.J.S.18A:13-43 and
10 N.J.S.18A:13-44, or subsection d. of this section, or has become
11 part of a newly formed all purpose regional district pursuant to
12 N.J.S.18A:13-34 and N.J.S.18A:13-35.

13 d. Notwithstanding the provisions of N.J.S.18A:13-43 and
14 N.J.S.18A:13-44, upon the effective date of P.L.1996, c.91
15 (C.18A:38-21.1), a school district which meets the conditions of
16 subsection a. of this section shall be admitted to an existing regional
17 school district upon the adoption of a resolution by its board of
18 education and the board of education of the regional school district
19 approving the inclusion of the school district within the regional
20 district. Copies of the resolutions shall be forwarded to the
21 **【county】** regional superintendent or superintendents of the
22 **【counties】** regions in which the districts are situate. The **【county】**
23 regional superintendent or superintendents shall notify the
24 commissioner and the enlargement of the regional district by the
25 admission of the proposed constituent district shall become
26 effective on the 20th day following the adoption of the resolutions.

27 e. Notwithstanding the provisions of N.J.S.18A:13-8,
28 N.J.S.18A:13-36, and N.J.S.18A:13-46, the board of education of a
29 regional school district which admits a new constituent school
30 district by resolution pursuant to the provisions of subsection d. of
31 this section shall be composed of 11 members unless the regional
32 district consists of more than 11 members. One of the additional
33 board members shall represent the new constituent district and shall
34 be appointed by the **【county】** regional superintendent of the
35 **【county】** region in which the new constituent district is situate.
36 The second additional member shall be apportioned among the
37 other constituent districts of the regional school district as
38 determined by the **【county】** regional superintendent or
39 superintendents of the **【county】** region or **【counties】** regions in
40 which the constituent local districts of the enlarged district are
41 situate. The members so appointed shall serve until the first
42 Monday succeeding the first annual school election of the enlarged
43 regional district and their successors shall be elected at that
44 election.

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

46

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

48 18A:38-32. For the purpose of enforcing the provisions of this

1 article, the board of education of each school district and the board
2 of education of each county vocational school shall appoint a
3 suitable number of qualified persons to be designated as attendance
4 officers, and shall fix their compensation; except that if a county
5 attendance officer or officers are appointed for any county, any
6 district board of education of such county may be exempt from the
7 appointment of a local attendance officer if such exemption is
8 approved by the [county] regional superintendent. Each board
9 shall make rules not inconsistent with the provisions of this article
10 and subject to the approval of the commissioner, for the
11 government of the attendance officers.

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

13

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

15 18A:38-35. The salary of each county attendance officer shall be
16 paid as other state salaries are paid. The director of the division of
17 budget and accounting shall on order of the commissioner draw his
18 warrant for such salary on the state treasurer. All claims for the
19 expenses of a county attendance officer shall be paid after being
20 audited by the [county] regional superintendent on orders issued by
21 the [county] regional superintendent and drawn on the county
22 treasurer. The expenses for each such officer shall not exceed in
23 any one year the sum of \$700.00.

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

25

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

27 18A:39-1. Whenever in any district there are elementary school
28 pupils who live more than two miles from their public school of
29 attendance or secondary school pupils who live more than 2 1/2
30 miles from their public school of attendance, the district shall
31 provide transportation to and from school for these pupils.

32 When any school district provides any transportation for public
33 school pupils to and from school pursuant to this section,
34 transportation shall be supplied to school pupils residing in such
35 school district in going to and from any remote school other than a
36 public school, not operated for profit in whole or in part, located
37 within the State not more than 20 miles from the residence of the
38 pupil; except that if the district is located in a county of the third
39 class with a population of not less than 80,000 and not more than
40 120,000 transportation shall be provided to a nonpublic school
41 located outside the State not more than 20 miles from the residence
42 of the pupil, if there is no appropriate nonpublic school within the
43 State located closer to the residence of the pupil; provided the per
44 pupil cost of the lowest bid received does not exceed \$675 for the
45 1992-93 school year or the amount determined for subsequent years
46 pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a), and if such
47 bid shall exceed that cost then the parent, guardian or other person
48 having legal custody of the pupil shall be eligible to receive \$675

1 for the 1992-93 school year or the amount determined pursuant to
2 section 2 of P.L.1981, c.57 (C.18A:39-1a) for subsequent years
3 toward the cost of his transportation to a qualified school other than
4 a public school, regardless of whether such transportation is along
5 established public school routes. It shall be the obligation of the
6 parent, guardian or other person having legal custody of the pupil
7 attending a remote school, other than a public school, not operating
8 for profit in whole or in part, to register said pupil with the office of
9 the secretary of the board of education at the time and in the manner
10 specified by rules and regulations of the State board in order to be
11 eligible for the transportation provided by this section. If the
12 registration of any such pupil is not completed by September 1 of
13 the school year and if it is necessary for the board of education to
14 enter into a contract establishing a new route in order to provide
15 such transportation, then the board shall not be required to provide
16 it, but in lieu thereof the parent, guardian or other person having
17 legal custody of the pupil shall be eligible to receive \$675 or the
18 amount determined pursuant to section 2 of P.L.1981, c.57
19 (18A:39-1a), or an amount computed by multiplying 1/180 times
20 the number of school days remaining in the school year at the time
21 of registration, times \$675 for the 1992-93 school year or the
22 amount determined pursuant to section 2 of P.L.1981, c.57
23 (C.18A:39-1a) for subsequent years, whichever is the smaller
24 amount. Whenever any regional school district provides any
25 transportation for pupils attending schools other than public schools
26 pursuant to this section, said regional district shall assume
27 responsibility for the transportation of all such pupils, and the cost
28 of such transportation for pupils below the grade level for which the
29 regional district was organized shall be prorated by the regional
30 district among the constituent districts on a per pupil basis, after
31 approval of such costs by the [county] regional superintendent.
32 This section shall not require school districts to provide any
33 transportation for pupils attending a school other than a public
34 school, where the only transportation presently provided by said
35 district is for school children transported pursuant to chapter 46 of
36 Title 18A of the New Jersey Statutes or for pupils transported to a
37 vocational, technical or other public school offering a specialized
38 program. Any transportation to a school, other than a public school,
39 shall be pursuant to the same rules and regulations promulgated by
40 the State board as governs transportation to any public school.

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

43 Nothing in this section shall be so construed as to prohibit a
44 board of education from making contracts for the transportation of
45 pupils to a school in an adjoining district, when such pupils are
46 transferred to the district by order of the [county] regional
47 superintendent, or when any pupils shall attend school in a district
48 other than that in which they shall reside by virtue of an agreement

1 made by the respective boards of education.

2 Nothing herein contained shall limit or diminish in any way any
3 of the provisions for transportation for children pursuant to chapter
4 46 of this Title.

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

6

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

8 18A:39-2. Any board of education having power to provide for
9 the transportation of school pupils in its district to and from school
10 may provide such transportation by a bus or buses owned by it or
11 may enter into contract for such transportation, approved by the
12 **[county]** regional superintendent, for a term not exceeding 4 years.

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

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

20

21 105. Section 2 of P.L.2001, c.437 (C.18A:39-2.2) is amended to
22 read as follows:

23 2. A **[county]** regional superintendent of schools, during the
24 approval process of pupil transportation contracts conducted
25 pursuant to N.J.S.18A:39-2, shall examine the contract to determine
26 whether cost efficiencies could be realized by combining public and
27 nonpublic school pupils on the same school bus routes.

28 (cf: P.L.2001, c.437, s.2)

29

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

31 18A:39-3. a. No contract for the transportation of pupils to and
32 from school shall be made, when the amount to be paid during the
33 school year for such transportation shall exceed \$7,500.00 or the
34 amount determined pursuant to subsection b. of this section, and
35 have the approval of the **[executive county]** regional superintendent
36 of schools, unless the board of education making such contract shall
37 have first publicly advertised for bids therefor in a newspaper
38 published in the district or, if no newspaper is published therein, in
39 a newspaper circulating in the district, once, at least 10 days prior to
40 the date fixed for receiving proposals for such transportation, and
41 shall have awarded the contract to the lowest responsible bidder.

42 Nothing in this chapter shall require the advertisement and
43 letting on proposals or bids of annual extensions, approved by the
44 **[executive county]** regional superintendent, of any contract for
45 transportation entered into through competitive bidding when--

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

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

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

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

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

15 (b) The school destination remains unchanged from the original
16 contract.

17 Any such extension as described in this paragraph shall require
18 the approval of the [executive county] regional superintendent of
19 schools.

20 Nothing in this chapter shall require the immediate bid of any
21 contract renewal for the remainder of a school year in which the
22 only change, in addition to route description, is the bus type.
23 However, any such extension shall be approved by the [executive
24 county] regional superintendent of schools and shall be bid for the
25 next school year.

26 b. The Governor, in consultation with the Department of the
27 Treasury, shall, no later than March 1 of each odd-numbered year,
28 adjust the threshold amount set forth in subsection a. of this section,
29 or subsequent to 1985 the threshold amount resulting from any
30 adjustment under this subsection or section 17 of P.L.1985, c.469,
31 in direct proportion to the rise or fall of the Consumer Price Index
32 for all urban consumers in the New York City and the Philadelphia
33 areas as reported by the United States Department of Labor. The
34 Governor shall, no later than June 1 of each odd-numbered year,
35 notify all local school districts of the adjustment. The adjustment
36 shall become effective on July 1 of each odd-numbered year.

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

38
39 107. N.J.S.18A:39-10 is amended to read as follows:

40 18A:39-10. Notwithstanding the terms of any contract for
41 transportation of pupils to and from school, or renewal thereof,
42 entered into pursuant to this chapter, any board of education, in its
43 discretion, with the approval of the [county] regional
44 superintendent, may compensate any transportation contractor, in
45 whole or in part, for any necessary expenditure made to comply
46 with the provisions of any law enacted, or any rules and regulations

1 promulgated pursuant to any law, after said contract was entered
2 into.

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

4

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

6 18A:39-11. The boards of education of 2 or more school
7 districts may provide jointly for the transportation of pupils to and
8 from any school or schools within or outside the districts.

9 Whenever in the judgment of the **【county】** regional
10 superintendent of schools transportation of pupils to any qualified
11 school other than a public school could be more economically
12 accomplished by joint transportation with 2 or more school districts,
13 he may order such joint transportation, assign the administration to
14 one board of education and prorate the cost on a per pupil mileage
15 basis to the other boards of education involved.

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

17

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

20 1. a. The Commissioner of Education shall identify and publish
21 a list of local school boards of education, educational services
22 commissions, county special services school districts, and any other
23 established agencies providing cooperative transportation services.

24 b. Any school district responsible for the transportation of pupils
25 to and from a school, other than a local district school, pursuant to
26 N.J.S.18A:39-1 which transports pupils to a county vocational
27 school and pupils classified pursuant to chapter 46 of Title 18A of
28 the New Jersey Statutes shall utilize one of the agencies identified
29 by the commissioner for the transportation of the pupils.
30 Transportation by one of the agencies shall not be required when
31 the local district can provide transportation at a lower cost than
32 those agencies, or the transportation to be provided by one of the
33 agencies does not fall within the policies of the resident school
34 district regarding length of ride and assignment of students to a
35 route based on student age or classification.

36 c. (1) A board of education shall bid or coordinate nonpublic
37 school transportation services with another school district or a
38 cooperative transportation services agency in accordance with
39 criteria established by the commissioner.

40 (2) Any school district which has in the prior year provided
41 payments in lieu of transportation for any nonpublic school pupil
42 pursuant to N.J.S.18A:39-1, or which cannot provide transportation
43 in the ensuing school year in accordance with the commissioner's
44 criteria, shall attempt to provide transportation through an agency
45 identified by the commissioner prior to determining to pay aid in
46 lieu of transportation. The school district shall provide to the
47 agency any unique limitations or restrictions of the required
48 transportation. If the costs to provide transportation by the agency

1 identified by the commissioner are less than the in-lieu-of
2 payments, the agency shall provide transportation. The school
3 district shall make the determination on the manner in which
4 transportation services shall be provided and shall notify the
5 nonpublic school and the parent or guardian of the nonpublic school
6 pupil by August 1 prior to the beginning of the school year. For the
7 purposes of this subsection, "costs to provide transportation" shall
8 not include any administrative fee charged by the agency. If the
9 sum of the costs to provide transportation plus any administrative
10 fee charged by the agency exceeds on a per pupil basis the
11 maximum amount for nonpublic school transportation established
12 pursuant to section 2 of P.L.1981, c.57 (C.18A:39-1a), the board of
13 education may apply to the commissioner for that portion which
14 exceeds the maximum amount.

15 d. The [county] regional superintendents shall:

16 (1) assist local boards of education and the chief school
17 administrators of nonpublic schools in coordinating the calendars
18 and schedules of the public and nonpublic schools to facilitate the
19 coordination of transportation of pupils to and from school in their
20 respective [county] region;

21 (2) arbitrate any disputes between local boards of education and
22 the chief school administrators of nonpublic schools regarding pupil
23 transportation; and

24 (3) convene a meeting, at least once a year, of representatives of
25 all public and nonpublic schools in the [county] region to discuss
26 issues related to pupil transportation.

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

28

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

31 2. a. A board of education may, by resolution approved by a
32 majority of the board of education and subject to the provisions of
33 subsection b. of this section, disqualify a bidder who would
34 otherwise be determined to be the lowest responsible bidder for a
35 pupil transportation contract, if the board of education finds that it
36 has had prior negative experience with the bidder. The
37 disqualification shall be for a reasonable, defined period of time
38 which shall not exceed three years.

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

41 (1) the bidder has been determined to be "nonperforming" under
42 a pupil transportation contract after a hearing which shall include
43 the bidder, the superintendent of schools, and the [county] regional
44 superintendent of schools. The [county] regional superintendent of
45 schools shall make the determination as to nonperformance and this
46 determination may be appealed to Commissioner of Education and
47 the State Board of Education, as provided by law;

48 (2) the bidder defaulted on a transportation contract thereby

1 requiring the board of education to utilize the services of another
2 contractor to complete the contract;

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

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

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

10

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

12 18A:39-15. If the [executive county] regional superintendent of
13 the [county] regional in which the districts are situate shall approve
14 the necessity, the cost, and the method of providing joint
15 transportation and the agreement whereby the same is to be
16 provided, each board of education providing joint transportation
17 shall be entitled to State transportation aid pursuant to section 15 of
18 P.L.2007, c.260 (C.18A:7F-57).

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

20

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

22 18A:39-16. In the event that any controversy or dispute shall
23 arise among the parties to any such agreement for joint
24 transportation, the same shall be referred to the [county] regional
25 superintendent of the [county] region in which the districts are
26 situate for determination and his determination thereon shall be
27 binding, subject to appeal to the commissioner. In the event that
28 the districts are in more than one [county] region, the controversy
29 or dispute shall be referred to the [county] regional superintendents
30 of the [counties] regions for joint determination, and if they shall
31 be unable to agree upon a joint determination within 30 days, the
32 controversy or dispute shall be referred to the commissioner for
33 determination.

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

35

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

37 18A:39-17. In each school year, prior to the assignment of any
38 driver or substitute driver to any vehicle operated by the board of
39 education of any district as a school bus, there shall be filed by the
40 secretary of such board with the [county] regional superintendent
41 the name and social security number of each such driver or
42 substitute driver and certification of a valid school bus driver's
43 license, criminal background check, and evidence of a check for the
44 driver's record of alcohol and drug-related motor vehicle violations
45 pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1).

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

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

2 18A:39-18. In each school year, prior to the beginning of
3 transportation of school pupils under a contract awarded by a board
4 of education, the contractor shall furnish to the **【county】** regional
5 superintendent the name, social security number, and certification
6 of a valid school bus driver's license and criminal background
7 check, and evidence of a check for the driver's record of alcohol and
8 drug-related motor vehicle violations pursuant to section 6 of
9 P.L.1989, c.104 (C.18A:39-19.1) of each driver or substitute driver
10 to be assigned to any vehicle in the performance of his contract.
11 (cf: P.L.2003, c.66, s.3)

12

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

15 6. a. Prior to employment as a school bus driver, and upon
16 application for renewal of a school bus driver's license, a bus driver
17 shall submit to the Commissioner of Education his or her name,
18 address and fingerprints in accordance with procedures established
19 by the commissioner. No criminal history record check or check for
20 alcohol and drug-related motor vehicle violations shall be furnished
21 without his or her written consent to such a check. The applicant
22 shall bear the cost for the checks, including all costs for
23 administering and processing the checks.

24 Upon receipt of the criminal history record information for an
25 applicant from the Federal Bureau of Investigation and the Division
26 of State Police, and information on the check for alcohol and drug-
27 related motor vehicle violations from the Division of Motor Vehicle
28 Services, the Commissioner of Education shall notify the applicant,
29 in writing, of the applicant's qualification or disqualification as a
30 school bus driver. If the applicant is disqualified, the convictions
31 which constitute the basis for the disqualification shall be identified
32 in the written notice to the applicant. A school bus driver, except as
33 provided in subsection e. of this section, shall be permanently
34 disqualified from employment or service if the individual's criminal
35 history record reveals a record of conviction for which public
36 school employment candidates are disqualified pursuant to section 1
37 of P.L.1986, c.116 (C.18A:6-7.1) or if the driver has been convicted
38 at least two times within the last 10 years for a violation of
39 R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 5
40 of P.L.1990, c.103 (C.39:3-10.13), or section 16 of P.L.1990, c.103
41 (C.39:3-10.24); or once for a violation of section 5 of P.L.1990,
42 c.103 (C.39:3-10.13) or section 16 of P.L.1990, c.103 (C.39:3-
43 10.24) while transporting school children.

44 Following qualification for employment as a school bus driver
45 pursuant to this section, the State Bureau of Identification shall
46 immediately forward to the Commissioner of Education any
47 information which the bureau receives on a charge pending against
48 the school bus driver. If the charge is for one of the crimes or

1 offenses enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1),
2 the commissioner shall notify the employing board of education or
3 contractor, and the board or contractor shall take appropriate action.
4 If the pending charge results in conviction, the school bus driver
5 shall not be eligible for continued employment.

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

10 Following qualification for employment as a school bus driver,
11 the Division of Motor Vehicle Services shall immediately forward
12 to the Commissioner of Education any information which the
13 division receives on a conviction for an alcohol or drug-related
14 motor vehicle violation that would disqualify the driver from
15 employment pursuant to the provisions of this subsection. The
16 commissioner shall notify the employing board of education or
17 contractor that the driver is no longer eligible for employment.

18 b. Notwithstanding the provisions of this section, an individual
19 shall not be disqualified from employment or service under this act
20 on the basis of any conviction disclosed by a criminal history record
21 check or a check for alcohol and drug-related motor vehicle
22 violations performed pursuant to this section without an opportunity
23 to challenge the accuracy of the disqualifying records.

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

30 d. The applicant shall have 30 days from the date of the written
31 notice of disqualification to challenge the accuracy of the criminal
32 history record information or the record of convictions for an
33 alcohol or drug-related motor vehicle violation. If no challenge is
34 filed or if the determination of the accuracy of the criminal history
35 record information or the record of convictions for an alcohol or
36 drug-related motor vehicle violation upholds the disqualification,
37 notification of the applicant's disqualification for employment shall
38 be forwarded to the Division of Motor Vehicle Services. The local
39 board of education or the school bus contractor and the **【County**
40 **Superintendent of Schools】** regional superintendent of schools shall
41 also be notified of the disqualification. Notwithstanding the
42 provisions of any law to the contrary, the Director of the Division
43 of Motor Vehicle Services shall, upon notice of disqualification
44 from the Commissioner of Education, immediately revoke the
45 applicant's special license issued pursuant to R.S.39:3-10.1 without
46 necessity of a further hearing. Candidates' records shall be
47 maintained in accordance with the provisions of section 4 of
48 P.L.1986, c.116 (C.18A:6-7.4).

1 e. This section shall first apply to criminal history record checks
2 conducted on or after the effective date of P.L.1998, c.31 (C.18A:6-
3 7.1c et al.); except that in the case of a school bus driver employed
4 by a board of education or a contracted service provider who is
5 required to undergo a check upon application for renewal of a
6 school bus driver's license, the individual shall be disqualified only
7 for the following offenses:

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

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

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

22 (2) Notwithstanding any provision of this section to the contrary,
23 upon the implementation by the State of the "Motor Carrier Safety
24 Improvement Act of 1999," Pub.L.106-159, a check for alcohol and
25 drug-related motor vehicle violations shall be conducted in
26 accordance with the provisions of this section prior to initial
27 employment as a school bus driver. A check for alcohol and drug-
28 related motor vehicle violations conducted for any subsequent
29 renewal of a school bus driver's license shall be subject to the
30 provisions of the "Motor Carrier Safety Improvement Act of 1999,"
31 Pub.L.106-159.

32 (3) Upon the implementation by the State of the "Motor Carrier
33 Safety Improvement Act of 1999," Pub.L.106-159, following
34 qualification for employment as a school bus driver, the Division of
35 Motor Vehicle Services shall immediately notify the Commissioner
36 of Education of the suspension or revocation of a school bus
37 driver's commercial driver's license. The commissioner shall notify
38 the employing board of education or contractor of the suspension or
39 revocation, and the employment of the school bus driver shall be
40 immediately terminated. In the case of a school bus driver whose
41 commercial driver's license has been suspended, the driver may
42 apply for re-employment at the end of the period of suspension.

43 (cf: P.L.2003, c.66, s.4)

44
45 116. N.J.S.18A:40-2 is amended to read as follows:

46 18A:40-2. Whenever the **[county]** regional superintendent shall
47 certify to the commissioner that there has been subscribed or
48 donated a sum not less than \$4,000.00 for the purpose of paying the

1 salary of a person to be known as county medical inspector of a
2 county, the commissioner shall appoint, by and with the approval
3 of the state board, a physician, licensed to practice medicine and
4 surgery within the state, of at least two years practical experience,
5 to be known as county medical inspector for such county. He shall
6 perform such duties as shall be prescribed by rules adopted by the
7 state board. His term of office shall be one year. No person shall
8 be appointed as a county medical inspector in any year until there
9 has been certified to the commissioner that a sum sufficient to pay
10 the salary of such officer, but not less than \$4,000.00, has been
11 subscribed or donated as aforesaid.

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

13

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

15 18A:46-3. When the results of a survey of handicapped children
16 in any county, in the opinion of the commissioner warrants it, he
17 shall, with the approval of the state board, establish a department of
18 child study which shall be charged with the duty of performing the
19 services required to be performed at the county level under this
20 chapter. He shall appoint for each county department of child
21 study or, with the approval of the state board, for one or more
22 county departments of child study, a supervisor, whose duties shall
23 include the coordination of the special education services in the
24 county, and he shall appoint, such additional personnel, constituting
25 a child study team as he deems necessary to perform such services
26 for handicapped children.

27 In addition to the supervisor of child study the members of each
28 child study team shall include personnel qualified to administer,
29 supervise or otherwise perform the special education services
30 required under this chapter.

31 The [county] regional superintendent of the [county] region or
32 the [county] regional superintendents of the [counties] regions
33 served by one child study team jointly shall, with the approval of
34 the commissioner, designate a member of the child study team to
35 serve as chairman and in event that they cannot agree the chairman
36 shall be designated by the commissioner.

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

38

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

40 18A:46-4. The commissioner shall fix the terms of office and
41 compensation of the supervisor and other members of the child
42 study team. Their salaries shall be paid as other State salaries are
43 paid by warrants drawn by the Director of the Division of Budget
44 and Accounting on the State Treasurer, on orders issued by the
45 commissioner. All claims for expenses of the supervisor, for each
46 county in which he shall serve, shall be paid after being audited by
47 the [county] regional superintendent on orders issued by the
48 [county] regional superintendent and drawn on the county

1 treasurer. Notwithstanding any other provision of the law, the State
2 shall reimburse each county no more than \$750.00 for the expenses
3 of the supervisor in any 1 year. All claims for expenses of the
4 supervisor which exceed the sum of \$750.00 shall be paid by the
5 county.

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

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

9 18A:46-7. Each board of education shall report annually to the
10 **[county]** regional superintendent of schools of the **[county]** region
11 in which the school district is situate, who shall report to the
12 commissioner, the names of all children who are in special
13 education instructional programs and the names and addresses of
14 their parents or persons having control or custody of them, together
15 with the category into which they have been classified. Included in
16 this report shall be the names and addresses of any known
17 handicapped children who are not attending school. The
18 commissioner shall make the information in the reports available to
19 any state agency charged with the care and restoration of any
20 particular category of handicapped children.

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

22
23 120. N.J.S.18A:46-13 is amended to read as follows:

24 18A:46-13. It shall be the duty of each board of education to
25 provide suitable facilities and programs of education for all the
26 children who are classified as handicapped under this chapter. The
27 absence or unavailability of a special class facility in any district
28 shall not be construed as relieving a board of education of the
29 responsibility for providing education for any child who qualifies
30 under this chapter.

31 The Department of Human Services, and the Department of
32 Children and Families, as applicable, shall provide transportation
33 for all children who attend day training centers operated by the
34 department.

35 A board of education is not required to provide any further
36 educational program for children who have been admitted to the
37 Marie H. Katzenbach School for the Deaf but shall be required to
38 furnish necessary daily transportation Monday through Friday to
39 and from the school for nonboarding pupils when such
40 transportation is approved by the **[county]** regional superintendent
41 of schools in accordance with such rules and regulations as the
42 State board shall promulgate for such transportation. Any special
43 education facility or program authorized and provided for a child
44 attaining age 20 during a school year shall be continued for the
45 remainder of that school year.

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

47
48 121. N.J.S.18A:46-23 is amended to read as follows:

1 18A:46-23. The board of education shall furnish transportation
2 to all children found under this chapter to be handicapped who shall
3 qualify therefor pursuant to law and it shall furnish the
4 transportation for a lesser distance also to any handicapped child, if
5 it finds upon the advice of the examiner, the handicap to be such as
6 to make transportation necessary or advisable.

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

16 The school district shall be entitled to State aid for the
17 transportation pursuant to section 15 of P.L.2007, c.260 (C.18A:7F-
18 57) when the necessity for the transportation and the cost and
19 method thereof have been approved by the [executive county]
20 regional superintendent of the county in which the district paying
21 the cost of the transportation is situated.

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

23

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

26 7. For each county special services school district established in
27 accordance with this act there shall be a board of education
28 consisting of the [county] regional superintendent of schools, ex
29 officio, and six persons to be appointed by the director of the board
30 of chosen freeholders with the advice and consent of the remaining
31 members of such board. In any county having a county mental
32 health board, the chairman thereof, or his designee, shall also serve
33 as an ex-officio member of the board of education but shall not be
34 entitled to vote on any matter before the board. The appointive
35 members shall serve for terms of 3 years commencing as of July 1
36 of the calendar year in which they are appointed and to continue
37 until their successors are appointed and qualify, except that of
38 those first appointed two shall be appointed for terms of 1 year, two
39 for 2 years, and two for 3 years.

40 Vacancies in the board caused by the death, resignation or
41 removal of a member shall be reported forthwith by the secretary of
42 the board to the director of the board of chosen freeholders, who, by
43 the next regular meeting of the board of chosen freeholders and in
44 the manner herein prescribed for making appointments for a full
45 term, shall appoint a person to fill the vacancy for the unexpired
46 term.

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

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

3 1. a. Notwithstanding any provisions of law to the contrary, a
4 board of chosen freeholders may, by resolution, establish one board
5 of education for the county special services school district
6 established pursuant to section 1 of P.L.1971, c.271 (C.18A:46-29)
7 and the county vocational school district established pursuant to
8 chapter 54 of Title 18A of the New Jersey Statutes. This board of
9 education shall be known as "The Board of Education of the Special
10 Services School District and the Vocational School District of the
11 county of..." This board shall have all the powers, functions and
12 duties provided to a board of education of a county special services
13 school district pursuant to article 8 of chapter 46 of Title 18A of the
14 New Jersey Statutes and a board of education of a county vocational
15 school district pursuant to article 3 of chapter 54 of Title 18A of the
16 New Jersey Statutes.

17 b. The consolidated board of education established pursuant to
18 subsection a. of this section shall consist of the **[county]** regional
19 superintendent of schools, ex officio, and six persons to be
20 appointed by the chief elected executive officer of the county, or the
21 director of the board of chosen freeholders, with the advice and
22 consent of the remaining members of the board of chosen
23 freeholders, as appropriate to the appointment procedures
24 established by the form of government of the county. In any county
25 having a county mental health board, the chairman thereof, or his
26 designee, shall also serve as an ex-officio, nonvoting member of the
27 board. At least three of the appointed members shall have an
28 interest in children with an educational disability or in the field of
29 mental health and at least three of the appointed members shall have
30 an interest in the field of vocational education. The appointed
31 members shall serve for terms of three years and shall continue to
32 serve until their successors are appointed and qualify. A vacancy in
33 the board shall be deemed to exist, and shall be filled, in the manner
34 prescribed in P.L.1979, c.302 (C.40A:9-12.1).

35 Each appointed member shall be a citizen and resident of the
36 county and shall have been a citizen and resident for at least two
37 years immediately preceding becoming a member of the board. If
38 an appointed member ceases to be a resident of the county,
39 membership on the board shall cease.

40 c. Of the initial members appointed to the board of education
41 established pursuant to subsection a. of this section, two shall serve
42 a one-year term, two shall serve a two-year term, and two shall
43 serve a three-year term. Thereafter when a term of one of the
44 appointed members expires, the vacancy shall be filled as provided
45 pursuant to this section and the member shall serve a three-year
46 term from November 1 next succeeding the date of his appointment.
47 (cf: P.L.2007, c.222, s.1)

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

2 18A:51-3. The first members of the commission shall be
3 appointed forthwith by the [county] regional superintendent of the
4 [county] region upon notification that it has been determined to
5 establish such a center and they shall serve until June 30 next
6 ensuing.

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

8

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

10 18A:51-4. On or before said June 30 and annually thereafter, the
11 [county] regional superintendent shall call a meeting of all of the
12 members of the boards of education of the participating school
13 districts for the election of permanent members of the commission.
14 At such first meeting one member of the first class and one member
15 of the second class, shall be elected for terms of one year, two years
16 and three years, each, beginning on July 1 next succeeding, and if
17 there be no county library in the county, the librarian member shall
18 be elected for a term of one year. At each subsequent meeting one
19 member of each class shall be elected to serve for a term of three
20 years and a librarian member to serve for one year shall be elected,
21 also, if there be no county library in the county. In all cases the
22 vote of the majority of the members of the boards of education of
23 the participating school districts present and voting shall be
24 necessary for election. Vacancies in the commission shall be filled
25 by the remaining members of the commission according to the
26 qualifications hereinbefore provided for original appointments and
27 they shall serve for the unexpired terms only.

28 (cf: N.J.S.18A:51-4)

29

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

31 18A:51-5. Each county educational audiovisual aids commission
32 shall organize by the election of a chairman and a vice chairman
33 from its own membership and shall adopt rules for the
34 establishment and maintenance of said center. The [county]
35 regional superintendent shall serve as secretary of the commission,
36 and the county treasurer of the county shall serve as custodian of all
37 moneys and funds of the commission from whatever source
38 derived, without compensation. The county treasurer as such
39 custodian shall keep said moneys and funds in a separate and
40 distinct account and shall disburse the same on orders signed by the
41 chairman and secretary of the commission. Before entering upon
42 his duties as such custodian he shall be required to give additional
43 bond or to renew his bond as county treasurer, in such manner as to
44 cover and secure the faithful performance of his duties as such
45 custodian and any additional premium shall be paid by the
46 commission.

47 (cf: N.J.S.18A:51-5)

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

2 18A:54-16. For each county system of vocational schools
3 established in accordance with this chapter, there shall be a board of
4 education consisting of the [county] regional superintendent of
5 schools and four persons to be appointed; provided, however, that a
6 county of the first class which has adopted a form of government
7 pursuant to the provisions of the "Optional County Charter Law"
8 (P.L.1972, c.154; C.40:41A-1 et seq.) may, by ordinance, establish
9 a board of education consisting of six, seven, or nine persons to be
10 appointed and any other county may, by ordinance, establish a
11 board of education consisting of six persons to be appointed.

12 In counties of the first class which, by ordinance, have
13 established a board consisting of six, seven, or nine persons to be
14 appointed, the appointive members shall be appointed by the chief
15 elected executive officer of the county with the advice and consent
16 of the board of chosen freeholders. In all other counties, the
17 appointive members of the board shall be appointed by the chief
18 elected executive officer of the county, or the director of the board
19 of chosen freeholders, with the advice and consent of that board, as
20 appropriate to the appointment procedures established by the form
21 of government of the county. On a board with four appointive
22 members, not more than two members, or in the case of a board
23 with six appointive members, not more than three members,
24 appointed in any such county of the second, third, fifth or sixth
25 class shall be members of the same political party, but no changes
26 for adjustment of party representation shall be made in a board
27 except as vacancies occur.

28 In making the first appointments to a board with four appointive
29 members, one person shall be appointed to serve for one year, one
30 for two years, one for three years and one for four years from
31 November 1 next succeeding the date of their respective
32 appointments. In a county of the first class which, by ordinance, has
33 established a board with seven appointive members, the chief
34 elected executive officer shall make the first appointments to the
35 board in the following manner: two shall be appointed to serve for
36 one year, two for two years, two for three years, and one for four
37 years from November 1 next succeeding the date of their respective
38 appointments. The persons so appointed shall also serve from the
39 date of their respective appointments until November 1 next
40 ensuing.

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

1 In the case of a board of education with four appointive members
2 on the effective date of P.L.2005, c.299 (C.18A:54-16.14 et al.) in a
3 county of the first class which determines by ordinance to appoint a
4 board with seven appointive members, in making the initial
5 appointment of the three additional members, one person shall be
6 appointed to serve for two years, one person shall be appointed to
7 serve for three years, and one person shall be appointed to serve for
8 four years from November 1 next succeeding the date of their
9 respective appointments.

10 In the case of a board of education with four appointive members
11 on the effective date of P.L.2005, c.299 (C.18A:54-16.14 et al.) in a
12 county of the first class which determines by ordinance to appoint a
13 board with nine appointive members, in making the initial
14 appointment of the five additional members, one person shall be
15 appointed to serve for one year, one person shall be appointed to
16 serve for two years, one person shall be appointed to serve for three
17 years, and two persons shall be appointed to serve for four years
18 from November 1 next succeeding the date of their respective
19 appointments.

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

28 Annually during the month of October a member or members, as
29 the case may be, of the board shall be appointed to serve for a term
30 of four years, and thereafter until the appointment and qualification
31 of his respective successor, to take the place of the member or
32 members, as the case may be, whose term or terms shall expire on
33 November 1 then next ensuing.

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

37

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

40 2. Each **[county]** regional superintendent shall create a business
41 advisory board or shall designate a Workforce Investment Board
42 created by the State Employment and Training Commission in the
43 Department of Labor or a Private Industry Council established
44 pursuant to the Job Training and Partnership Act to perform the
45 functions of the business advisory board under this act.

46 Membership on the business advisory board shall be open to
47 interested local businesses which wish to assist students enrolled in
48 a program involving vocational or technical training in a public

1 secondary school or community college jointly engaged in such a
2 program with a public secondary school. The **【county】 regional**
3 superintendent shall be chairman of the business advisory board,
4 and the board shall meet monthly. The **【county】 regional**
5 superintendent shall appoint a program coordinator who shall be
6 charged with administering the program at local board levels. All
7 members of the board shall serve without compensation and for a
8 three year term.

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

10
11 129. Section 4 of P.L.1993, c.314 (C.18A:54E-4) is amended to
12 read as follows:

13 4. The board or council shall provide upon the request of the
14 **【county】 regional** superintendent a rating of the effectiveness of
15 any program designed to prepare students for employment, based on
16 the preparedness of students who are in their employment. The
17 board shall also make recommendations to the local school board
18 through the **【county】 regional** superintendent regarding suggested
19 curriculum changes or other methods to improve those programs
20 designed to prepare students for employment in a vocation or
21 technical field.

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

23
24 130. N.J.S.18A:55-2 is amended to read as follows:

25 18A:55-2. The commissioner shall direct the State treasurer to
26 withhold funds payable by the State from any district which fails to
27 obey the law or the rules or directions of the State board or the
28 commissioner.

29 The **【county】 regional** superintendent with the approval of the
30 commissioner may direct the treasurer of the school moneys of a
31 school district to withhold all moneys received by him from the
32 State treasurer and then remaining in his hands to the credit to the
33 district, whenever the board of education of the district, or any
34 officer thereof, or the legal voters of any school district, or any
35 board or officer of the municipality in which any such school
36 district is situate, shall neglect or refuse to perform any duty
37 imposed upon such board, officer, or legal voters by this title or by
38 the rules of the State board. The treasurer shall withhold such
39 moneys until he shall receive notice from the **【county】 regional**
40 superintendent that the board, officer, or legal voters have
41 performed such duty.

42 (cf: P.L.1996, c.138, s.82)

43
44 131. N.J.S.18A:56-15 is amended to read as follows:

45 18A:56-15. The income of the school fund shall be paid into the
46 general fund of the state treasury, and shall be used for the support
47 of public schools, the payment of salaries of **【county】 regional**

1 superintendents and the payment of accrued interest on bonds
2 purchased for the fund, the payment of interest on, and the purchase
3 of, bonds issued locally for school purposes to the extent and within
4 the limits provided by law, and for no other use or purpose
5 whatsoever. The payment of premiums on bonds purchased shall be
6 made out of the investment account.

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

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

10 18A:64A-8. For each county college there shall be a board of
11 trustees, consisting of the [county] regional superintendent of
12 schools and 10 persons, eight of whom shall be appointed by the
13 appointing authority of the county with the advice and consent of
14 the board of chosen freeholders, at least two of whom shall be
15 women and two of whom shall be appointed by the Governor,
16 according to criteria and for such initial terms as shall be
17 established. However, no trustee shall be appointed after July 1,
18 1994 who is an employee of a constituent county. The president of
19 the college shall serve as an ex officio member of the board of
20 trustees without vote. In addition, the student body of each county
21 college shall be entitled to elect from the graduating class one
22 representative to serve as a member on the board of trustees for a
23 term of one year commencing at the first meeting of the board in
24 July following graduation of his class. The student representative
25 may be granted voting rights by a majority vote of the members of
26 the board of trustees. If the board of trustees grants the student
27 representative voting rights and all members of the board are
28 present at the board meeting and there is a tie vote, the chairman
29 shall break the tie.

30 The appointing authority of the county shall establish a trustee
31 search committee of not less than five members who shall be
32 residents of the county. The members of the trustee search
33 committee shall not be elected public officials and shall not be
34 eligible for appointment to the board of trustees for a period of six
35 months after their service on the trustee search committee. The
36 trustee search committee shall nominate individuals for
37 consideration by the appointing authority of the county for
38 appointment to the board of trustees.

39 When a county college is established by more than one county,
40 the board of trustees shall be increased by two members for each
41 additional participating county. The membership of the board of
42 trustees shall be apportioned by the commission among the several
43 counties as nearly as may be according to the number of inhabitants
44 in each county as shown by the last federal census, officially
45 promulgated in this State. Each apportionment shall continue in
46 effect until a reapportionment shall become necessary by reason of
47 the official promulgation of the next federal census or the
48 enlargement of the board by the admission of one or more

1 additional counties as provided for in section 18A:64A-24. Each
2 county shall be entitled to have at least two members and the
3 **【county】** regional superintendent of the schools of said county on
4 the board of trustees.

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

6
7 133. Section 3 of P.L.1974, c.89 (C.18A:64A-32) is amended to
8 read as follows:

9 3. The community college commission shall consist of the
10 **【county】** regional superintendent of schools and nine public
11 members who are residents of the county and have resided therein
12 for a period of four years prior to their appointment having no
13 official connection with educational institutions contracting with
14 the commission. No elected public official shall serve as a voting
15 member of the commission. The president of the commission shall
16 be an ex officio member of the commission without vote.

17 Seven of the public members shall be appointed by the
18 appointing authority of the county, with the advice and consent of
19 the board of chosen freeholders, and two of the members shall be
20 appointed by the Governor, for such initial terms as shall be
21 established by the board. Members shall be appointed for terms of
22 four years each, except that the initial appointments shall be made
23 in four classes as nearly equal as possible in number, one class to
24 serve for one year, one class to serve for two years, one class to
25 serve for three years, and one class to serve for four years. The
26 term of all members of the commission shall begin on July 1.
27 Members initially appointed to the commission may serve from the
28 time of their respective appointments, but the term of such office
29 shall be deemed to commence as of July 1 of the year in which the
30 appointment was made. Each member shall serve until his
31 successor shall have been appointed and qualified. Vacancies shall
32 be filled in the same manner as the original appointments and for
33 the remainder of the unexpired terms. Any appointed member may
34 be removed by the appointing authority of the county for cause
35 upon notice and opportunity to be heard. The members of the
36 commission shall serve without compensation for their services, but
37 shall be entitled to receive reimbursement for all reasonable and
38 necessary expenses incurred by virtue of services as a member of
39 the commission.

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

44 The appointing authority of the county shall establish a trustee
45 search committee of not less than five members who shall be
46 residents of the county. The members of the trustee search
47 committee shall not be elected public officials and shall not be
48 eligible for appointment to the board of trustees for a period of six

1 months after their service on the trustee search committee. The
2 trustee search committee shall nominate persons for consideration
3 by the appointing authority of the county for appointment to the
4 board of trustees.

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

6
7 134. Section 4 of P.L.1974, c.89 (C.18A:64A-33) is amended to
8 read as follows:

9 4. When a community college commission is established by
10 more than one county, the number of public members shall be
11 increased by two for each additional participating county. Each
12 county shall also be represented by the [county] regional
13 superintendent of schools of the region in which the county is
14 situate.

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

16
17 135. Section 6 of P.L.1982, c.42 (C.18A:64A-55) is amended to
18 read as follows:

19 6. The board of trustees shall include seven public trustees,
20 consisting of the [county] regional superintendent of schools, four
21 members appointed by the board of chosen freeholders, and two
22 citizens of the county appointed by the Governor, and four trustees
23 appointed by the board of governors from among its members.
24 However, no trustee shall be appointed after July 1, 1994 who is an
25 employee of a constituent county. In addition, the student body
26 shall be entitled to elect from the graduating class one
27 representative to serve as a member of the board of trustees for a
28 term of one year commencing at the first meeting of the board in
29 July following graduation of his class. The student representative
30 may be granted voting rights by a majority vote of the members of
31 the board of trustees. If the board of trustees grants the student
32 representative voting rights and all members of the board are
33 present at the board meeting and there is a tie vote, the chairman
34 shall break the tie.

35 All appointive members shall be residents of the county for a
36 period of four years prior to appointment and no elected public
37 official or employee of the county college shall serve as a voting
38 member of the board. The terms of office of the appointive
39 members shall be four years, except for the first appointment.
40 Terms of those initially appointed by the chairman of the board of
41 chosen freeholders shall expire, respectively, one, two, three and
42 four years after appointment. Of those appointed by the Governor,
43 one person shall be appointed for a term of two years and one for a
44 term of four years. Of the members appointed by the board of
45 governors, one person shall be appointed for a term of one year, one
46 for a term of two years, one for a term of three years, and one for a
47 term of four years.

1 Each member shall serve until his successor is appointed and
2 qualified.

3 Vacancies shall be filled in the same manner as the original
4 appointment for the unexpired term. Upon notice and opportunity
5 to be heard, an appointee may be removed for cause by the body
6 originally making the appointment. Members shall serve without
7 compensation but shall be entitled to be reimbursed for all
8 reasonable and necessary expenses.

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

10

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

12 18A:66-2. As used in this article:

13 a. "Accumulated deductions" means the sum of all the
14 amounts, deducted from the compensation of a member or
15 contributed by or in behalf of the member, including interest
16 credited to January 1, 1956, standing to the credit of the member's
17 individual account in the annuity savings fund.

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

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

22 d. (1) "Compensation" means the contractual salary, for services
23 as a teacher as defined in this article, which is in accordance with
24 established salary policies of the member's employer for all
25 employees in the same position but shall not include individual
26 salary adjustments which are granted primarily in anticipation of
27 the member's retirement or additional remuneration for performing
28 temporary or extracurricular duties beyond the regular school day or
29 the regular school year.

30 (2) In the case of a person who becomes a member of the
31 retirement system on or after July 1, 2007, "compensation" means
32 the amount of the contractual salary equivalent to the annual
33 maximum wage contribution base for Social Security, pursuant to
34 the Federal Insurance Contributions Act, for services as a teacher as
35 defined in this article, which is in accordance with established
36 salary policies of the member's employer for all employees in the
37 same position but shall not include individual salary adjustments
38 which are granted primarily in anticipation of the member's
39 retirement or additional remuneration for performing temporary or
40 extracurricular duties beyond the regular school day or the regular
41 school year. This paragraph shall not apply to a person who at the
42 time of enrollment in the retirement system on or after July 1, 2007
43 transfers service credit from another State-administered retirement
44 system pursuant to N.J.S.18A:66-15.1, but shall apply to a former
45 member of the retirement system who has been granted a retirement
46 allowance and is reenrolled in the retirement system on or after July
47 1, 2007 pursuant to N.J.S.18A:66-53.2 after becoming employed

1 again in a position that makes the person eligible to be a member of
2 the retirement system.

3 For the period of July 1, 2009 through June 30, 2011,
4 "contractual salary" for State employees shall include wage
5 increases under a collective negotiations agreement notwithstanding
6 that, by amendment to that collective negotiations agreement, the
7 effective date of the contractual increase has been deferred. For the
8 purpose of this paragraph, "State employee" means an employee in
9 the Executive Branch of State government of New Jersey.

10 e. "Employer" means the State, the board of education or any
11 educational institution or agency of or within the State by which a
12 teacher is paid.

13 f. (1) "Final compensation" means the average annual
14 compensation for which contributions are made for the three years
15 of creditable service in New Jersey immediately preceding the
16 member's retirement or death, or it shall mean the average annual
17 compensation for New Jersey service for which contributions are
18 made during any three fiscal years of his or her membership
19 providing the largest possible benefit to the member or the
20 member's beneficiary.

21 (2) In the case of a person who becomes a member of the
22 retirement system on or after the effective date of P.L.2010, c.1,
23 "final compensation" means the average annual compensation for
24 which contributions are made for the five years of creditable service
25 in New Jersey immediately preceding the member's retirement or
26 death, or it shall mean the average annual compensation for New
27 Jersey service for which contributions are made during any five
28 fiscal years of his or her membership providing the largest possible
29 benefit to the member or the member's beneficiary.

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

32 h. "Pension" means payments for life derived from
33 appropriations made by the State or employers to the Teachers'
34 Pension and Annuity Fund.

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

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

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

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

4 m. "Regular interest" shall mean interest as determined by the
5 State Treasurer, after consultation with the Directors of the
6 Divisions of Investment and Pensions, the board of trustees and the
7 actuary. It shall bear a reasonable relationship to the percentage rate
8 of earnings on investments based on the market value of assets but
9 shall not exceed the assumed percentage rate of increase applied to
10 salaries plus 3%, provided however that the board of trustees shall
11 not set the average percentage rate of increase applied to salaries
12 below 6%.

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

14 o. "School service" means any service as a "teacher" as defined
15 in this section.

16 p. "Teacher" means any regular teacher, special teacher,
17 helping teacher, teacher clerk, principal, vice-principal, supervisor,
18 supervising principal, director, superintendent, city superintendent,
19 assistant city superintendent, [county] regional superintendent,
20 State Commissioner or Assistant Commissioner of Education,
21 members of the State Department of Education who are certificated,
22 unclassified professional staff and other members of the teaching or
23 professional staff of any class, public school, high school, normal
24 school, model school, training school, vocational school, truant
25 reformatory school, or parental school, and of any and all classes or
26 schools within the State conducted under the order and
27 superintendence, and wholly or partly at the expense of the State
28 Board of Education, of a duly elected or appointed board of
29 education, board of school directors, or board of trustees of the
30 State or of any school district or normal school district thereof, and
31 any persons under contract or engagement to perform one or more
32 of these functions. It shall also mean any person who serves, while
33 on an approved leave of absence from regular duties as a teacher, as
34 an officer of a local, county or State labor organization which
35 represents, or is affiliated with an organization which represents,
36 teachers as defined in this subsection. No person shall be deemed a
37 teacher within the meaning of this article who is a substitute
38 teacher. In all cases of doubt the board of trustees shall determine
39 whether any person is a teacher as defined in this article.

40 q. "Teachers' Pension and Annuity Fund," hereinafter referred
41 to as the "retirement system" or "system," is the corporate name of
42 the arrangement for the payment of retirement allowances and other
43 benefits under the provisions of this article, including the several
44 funds placed under said system. By that name all its business shall
45 be transacted, its funds invested, warrants for money drawn, and
46 payments made and all of its cash and securities and other property
47 held.

1 r. "Veteran" means any honorably discharged officer, soldier,
2 sailor, airman, marine or nurse who served in any Army, Air Force
3 or Navy of the Allies of the United States in World War I between
4 July 14, 1914, and November 11, 1918, or who served in any Army,
5 Air Force or Navy of the Allies of the United States in World War
6 II, between September 1, 1939, and September 2, 1945, and who
7 was inducted into such service through voluntary enlistment, and
8 was a citizen of the United States at the time of such enlistment, and
9 who did not, during or by reason of such service, renounce or lose
10 United States citizenship, and any officer, soldier, sailor, marine,
11 airman, nurse or army field clerk who has served in the active
12 military or naval service of the United States and has or shall be
13 discharged or released therefrom under conditions other than
14 dishonorable, in any of the following wars, uprisings, insurrections,
15 expeditions or emergencies, and who has presented to the retirement
16 system evidence of such record of service in form and content
17 satisfactory to said retirement system:

18 (1) The Indian wars and uprisings during any of the periods
19 recognized by the War Department of the United States as periods
20 of active hostility;

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

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

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

28 (5) The army of Cuban occupation between July 18, 1898, and
29 May 20, 1902;

30 (6) The army of Cuban pacification between October 6, 1906,
31 and April 1, 1909;

32 (7) The Mexican punitive expedition between March 14, 1916,
33 and February 7, 1917;

34 (8) The Mexican border patrol, having actually participated in
35 engagements against Mexicans between April 12, 1911, and June
36 16, 1919;

37 (9) World War I, between April 6, 1917, and November 11,
38 1918;

39 (10) World War II, between September 16, 1940, and December
40 31, 1946, who shall have served at least 90 days in such active
41 service, exclusive of any period of assignment (1) for a course of
42 education or training under the Army Specialized Training Program
43 or the Navy College Training Program, which course was a
44 continuation of a civilian course and was pursued to completion, or
45 (2) as a cadet or midshipman at one of the service academies, any
46 part of which 90 days was served between said dates; provided that
47 any person receiving an actual service-incurred injury or disability

1 shall be classed as a veteran, whether or not that person has
2 completed the 90-day service as herein provided;

3 (11) Korean conflict on or after June 23, 1950, and on or prior to
4 January 31, 1955, who shall have served at least 90 days in such
5 active service, exclusive of any period of assignment (1) for a
6 course of education or training under the Army Specialized
7 Training Program or the Navy College Training Program, which
8 course was a continuation of a civilian course and was pursued to
9 completion, or (2) as a cadet or midshipman at one of the service
10 academies, any part of which 90 days was served between said
11 dates; provided that any person receiving an actual service-incurred
12 injury or disability shall be classed as a veteran, whether or not that
13 person has completed the 90-day service as herein provided; and
14 provided further that any member classed as a veteran pursuant to
15 this subsection prior to August 1, 1966, shall continue to be classed
16 as a veteran, whether or not that person completed the 90-day
17 service between said dates as herein provided;

18 (12) Lebanon crisis, on or after July 1, 1958, who has served in
19 Lebanon or on board any ship actively engaged in patrolling the
20 territorial waters of that nation for a period, continuous or in the
21 aggregate, of at least 14 days commencing on or before November
22 1, 1958 or the date of termination of that conflict, as proclaimed by
23 the President of the United States or Congress, whichever date of
24 termination is the latest, in such active service; provided, that any
25 person receiving an actual service-incurred injury or disability shall
26 be classed as a veteran whether or not that person has completed the
27 14 days' service as herein provided;

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

44 (14) Lebanon peacekeeping mission, on or after September 26,
45 1982, who has served in Lebanon or on board any ship actively
46 engaged in patrolling the territorial waters of that nation for a
47 period, continuous or in the aggregate, of at least 14 days
48 commencing on or before December 1, 1987 or the date of

1 termination of that mission, as proclaimed by the President of the
2 United States or Congress, whichever date of termination is the
3 latest, in such active service; provided, that any person receiving an
4 actual service-incurred injury or disability shall be classed as a
5 veteran whether or not that person has completed the 14 days'
6 service as herein provided;

7 (15) Grenada peacekeeping mission, on or after October 23,
8 1983, who has served in Grenada or on board any ship actively
9 engaged in patrolling the territorial waters of that nation for a
10 period, continuous or in the aggregate, of at least 14 days
11 commencing on or before November 21, 1983 or the date of
12 termination of that mission, as proclaimed by the President of the
13 United States or Congress, whichever date of termination is the
14 latest, in such active service; provided, that any person receiving an
15 actual service-incurred injury or disability shall be classed as a
16 veteran whether or not that person has completed the 14 days'
17 service as herein provided;

18 (16) Panama peacekeeping mission, on or after December 20,
19 1989 or the date of inception of that mission, as proclaimed by the
20 President of the United States or Congress, whichever date of
21 inception is earliest, who has served in Panama or on board any ship
22 actively engaged in patrolling the territorial waters of that nation for
23 a period, continuous or in the aggregate, of at least 14 days
24 commencing on or before January 31, 1990 or the date of
25 termination of that mission, as proclaimed by the President of the
26 United States or Congress, whichever date of termination is the
27 latest, in such active service; provided, that any person receiving an
28 actual service-incurred injury or disability shall be classed as a
29 veteran whether or not that person has completed the 14 days'
30 service as herein provided;

31 (17) Operation "Desert Shield/Desert Storm" mission in the
32 Arabian peninsula and the Persian Gulf, on or after August 2, 1990
33 or the date of inception of that operation, as proclaimed by the
34 President of the United States or Congress, whichever date of
35 inception is earliest, who has served in the Arabian peninsula or on
36 board any ship actively engaged in patrolling the Persian Gulf for a
37 period, continuous or in the aggregate, of at least 14 days
38 commencing on or before the date of termination of that mission, as
39 proclaimed by the President of the United States or Congress,
40 whichever date of termination is the latest, in such active service;
41 provided, that any person receiving an actual service-incurred injury
42 or disability shall be classed as a veteran whether or not that person
43 has completed the 14 days' service as herein provided;

44 (18) Operation Northern Watch and Operation Southern Watch,
45 on or after August 27, 1992, or the date of inception of that
46 operation, as proclaimed by the President of the United States,
47 Congress or United States Secretary of Defense, whichever date of
48 inception is earliest, who served in the theater of operation,

1 including in the Arabian peninsula and the Persian Gulf, and in
2 direct support of that operation for a period, continuously or in the
3 aggregate, of at least 14 days in such active service, commencing on
4 or before the date of termination of the operation, as proclaimed by
5 the President of the United States, Congress or United States
6 Secretary of Defense, whichever date of termination is latest;
7 provided, that any person receiving an actual service-incurred injury
8 or disability while engaged in such service shall be classed as a
9 veteran whether or not that person has completed the 14 days'
10 service as herein provided;

11 (19) Operation "Restore Hope" in Somalia, on or after December
12 5, 1992, or the date of inception of that operation as proclaimed by
13 the President of the United States or Congress, whichever date is
14 earliest, who has served in Somalia or on board any ship actively
15 engaged in patrolling the territorial waters of that nation for a
16 period, continuously or in the aggregate, of at least 14 days in such
17 active service commencing on or before March 31, 1994; provided
18 that any person receiving an actual service-incurred injury or
19 disability shall be classed as a veteran whether or not that person
20 has completed the 14-day service as herein provided;

21 (20) Operations "Joint Endeavor" and "Joint Guard" in the
22 Republic of Bosnia and Herzegovina, on or after November 20,
23 1995, who served in such active service in direct support of one or
24 both of the operations for at least 14 days, continuously or in the
25 aggregate, commencing on or before June 20, 1998, and (1) was
26 deployed in that nation or in another area in the region, or (2) was
27 on board a United States naval vessel operating in the Adriatic Sea,
28 or (3) operated in airspace above the Republic of Bosnia and
29 Herzegovina; provided that any person receiving an actual service-
30 incurred injury or disability shall be classed as a veteran whether or
31 not that person completed the 14-day service requirement;

32 (21) Operation "Enduring Freedom", on or after September 11,
33 2001, who served in a theater of operation and in direct support of
34 that operation for a period, continuously or in the aggregate, of at
35 least 14 days in such active service commencing on or before the
36 date the President of the United States or the United States
37 Secretary of Defense designates as the termination date of that
38 operation; provided, that any person receiving an actual service-
39 incurred injury or disability while engaged in such service shall be
40 classed as a veteran whether or not that person has completed the 14
41 days' service as herein provided; and

42 (22) Operation "Iraqi Freedom", on or after the date the President
43 of the United States or the United States Secretary of Defense
44 designates as the inception date of that operation, who served in
45 Iraq or in another area in the region in direct support of that
46 operation for a period, continuously or in the aggregate, of at least
47 14 days in such active service commencing on or before the date the
48 President of the United States or the United States Secretary of

1 Defense designates as the termination date of that operation;
2 provided, that any person receiving an actual service-incurred injury
3 or disability while engaged in such service shall be classed as a
4 veteran whether or not that person has completed the 14 days'
5 service as herein provided.

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

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

17 t. (1) "Widower," for employees of the State, means the man to
18 whom a member was married, or a domestic partner as defined in
19 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
20 the date of her death and to whom she continued to be married or a
21 domestic partner until the date of her death and who was receiving
22 at least one-half of his support from the member in the 12-month
23 period immediately preceding the member's death or the accident
24 which was the direct cause of the member's death. The dependency
25 of such a widower will be considered terminated by marriage of, or
26 establishment of a domestic partnership by, the widower subsequent
27 to the death of the member. In the event of the payment of an
28 accidental death benefit, the five-year qualification shall be waived.

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

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

45 u. (1) "Widow," for employees of the State, means the woman to
46 whom a member was married, or a domestic partner as defined in
47 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before
48 the date of his death and to whom he continued to be married or a

1 domestic partner until the date of his death and who was receiving
2 at least one-half of her support from the member in the 12-month
3 period immediately preceding the member's death or the accident
4 which was the direct cause of the member's death. The dependency
5 of such a widow will be considered terminated by the marriage of,
6 or establishment of a domestic partnership by, the widow
7 subsequent to the member's death. In the event of the payment of an
8 accidental death benefit, the five-year qualification shall be waived.

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

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

25 v. "Parent" means the parent of a member who was receiving at
26 least one-half of the parent's support from the member in the 12-
27 month period immediately preceding the member's death or the
28 accident which was the direct cause of the member's death. The
29 dependency of such a parent will be considered terminated by
30 marriage of the parent subsequent to the death of the member.

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

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

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

39 (3) A public employer other than the State may adopt a
40 resolution providing that the term "spouse" as defined in paragraph
41 (2) of this subsection shall include domestic partners as provided in
42 paragraph (1) of this subsection.
43 (cf: P.L.2010, c.1, s.20)
44

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

46 18A:66-96. For the purpose of forming such a corporation the
47 **【county】 regional** superintendent of schools **【in each county of the**
48 **first class】** shall notify in writing each and every employee of the

1 several boards of education of the school districts **[in his county]**
2 located in his region and in a county of the first class, except such
3 as are entitled to benefits under another pension law which may
4 have been enacted prior to April 16, 1929, for the benefit of
5 employees of boards of education, to attend a meeting to be held not
6 less than five days after the giving of the notice, to consider the
7 formation of a corporation in accordance with this article. The
8 notice shall specify the time and place of the meeting of such
9 employees.

10 If two thirds of the employees present at the meeting adopt a
11 resolution to form the corporation, they shall choose a name for the
12 corporation, and organize by electing four of such employees who,
13 together with the **[county]** regional superintendent as a member ex
14 officio, shall constitute a board of trustees.

15 The first trustees shall prepare and sign a certificate reciting the
16 adoption of the resolution by the employees, the name adopted, the
17 election of trustees, the organization, the names of officers, and the
18 execution of the certificate, for the purpose of forming a
19 corporation under this article. The certificate shall be recorded in
20 the office of the clerk of the county wherein the corporation is
21 organized, and shall then be filed in the office of the commissioner
22 of banking and insurance. Thereupon such trustees, their associates
23 and successors, shall become a body politic and corporate with all
24 the power incident thereto.

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

26

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

28 18A:66-118. The **[county]** regional superintendent of schools is
29 hereby authorized and permitted to purchase from one or more life
30 insurance companies, a policy or policies of group life insurance to
31 provide for the noncontributory death benefit and the contributory
32 death benefit as provided in section 18A:66-117.

33 (cf: N.J.S.18A:66-118)

34

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

36 18A:66-120. a. In the event the **[county]** regional superintendent
37 of schools shall determine to purchase group life insurance
38 coverage for the noncontributory death benefits, premiums for the
39 same shall be paid from a special fund, hereby created, called the
40 "group insurance premium fund." The **[county]** regional
41 superintendent of schools shall estimate annually the amount of
42 premiums which will be required for such benefits for the ensuing
43 fiscal year and shall certify such amounts to the participating
44 employers as due and owing from them. The participating
45 employers shall pay over to the **[county]** regional superintendent of
46 schools the amount for premiums so certified and the **[county]**
47 regional superintendent of schools shall deposit these amounts in

1 the group insurance premium fund.

2 b. In the event that the [county] regional superintendent of
3 schools shall determine to purchase group coverage for the
4 contributory death benefits, premiums for same shall be paid from a
5 special fund hereby created called the "contributory group
6 insurance premium fund." While such group coverage shall be in
7 force, the contributions from the compensation of members or on
8 behalf of members to provide such contributory death benefits shall
9 be accumulated in said contributory group insurance premium
10 fund.

11 c. Any dividend or retrospective rate credit allowed by an
12 insurance company shall be accredited to the aforesaid funds in an
13 equitable manner. During the period such group insurance policy or
14 policies are in effect, there shall be no commingling of the moneys
15 in said funds with any other fund established pursuant to this
16 article.

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

18

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

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

24 a. Any member of the pension fund who was a member on or
25 before June 26, 1962 and who has or shall hereafter have credit in
26 the pension fund and the retirement system for 30 years or more as
27 an employee of a board of education, shall, upon application to the
28 board of trustees of the retirement system, be retired by such board
29 of trustees and shall thereupon receive annually, for and during the
30 remainder of his life, by way of a retirement allowance, an amount
31 equal to 1/60 of the average annual salary received by him during
32 the 3 years immediately preceding his retirement multiplied by the
33 number of years he has credit in the pension fund and the retirement
34 system as an employee of a board of education.

35 Any such retirement allowance payable under this subsection
36 shall be in lieu of the retirement benefits which would accrue to the
37 said employee under the retirement system or any retirement system
38 established by the State or any of its political subdivisions.

39 b. The transfer of prior service, contributing membership credit,
40 and the moneys attributable to the accounts of public employee
41 veteran members of the pension fund to the retirement system shall
42 not alter the service credit previously established.

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

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

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

6 f. If a transferring member was not covered by either or both
7 noncontributory and contributory death benefit coverages, he may
8 be allowed the death benefits of the retirement system, provided,
9 however, that such member must furnish satisfactory evidence of
10 insurability and on the effective date of his membership in the
11 retirement system is actively at work and performing all his regular
12 duties at his customary place of employment. The effective date of
13 coverage for such benefits shall be on the first day of the month
14 which immediately follows the date when such evidence is
15 determined to be satisfactory.

16 Such evidence of insurability will not be required of any
17 transferring member if such member was covered by such benefits
18 immediately prior to the transfer.

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

20
21 141. R.S.19:17-3 is amended to read as follows:

22 19:17-3. After the district board shall have made up and
23 certified such statements, it shall at the same time and with the
24 ballot boxes, as hereinafter provided, deliver or safely transmit one
25 of the statements to the clerk of the municipality wherein such
26 election is held, who shall forthwith file the same. In counties
27 having a superintendent of elections one of such statements shall
28 forthwith be filed with the superintendent of elections of the county.
29 The superintendent may arrange to accept such certificates in such
30 municipality within the county at the office of the clerk of such
31 municipality or some other convenient place. Any municipal clerk
32 who shall refuse to permit such superintendent or his deputies or
33 assistants access to his office for the purpose of collecting such
34 certificates or any municipal clerk or other person who shall
35 interfere or obstruct the superintendent, his deputies or assistants in
36 the collection of such certificates, or any member of a district board
37 who shall willfully fail or refuse to deliver such statement to the
38 superintendent, his deputies or assistants as the case may be, shall
39 be guilty of a crime of the fourth degree. In all counties the board
40 shall, immediately after election, deliver or safely transmit another
41 of the statements to the clerk of the county, who shall forthwith file
42 the same.

43 For a school election a statement shall also be delivered to the
44 board of education of the district holding the election and to the
45 **[county]** regional superintendent of schools in the county in which
46 the district is situated.

47 If officers were voted for or public questions were voted upon at
48 the election by the voters of the entire State or of more than one

1 county thereof, or of a congressional district, then the board shall,
2 immediately after the election, inclose, seal up and transmit the
3 fourth statement to the Attorney General by mail in stamped
4 envelopes to be furnished by the Attorney General, addressing the
5 same in the following manner: "To the Attorney General of New
6 Jersey, Trenton, New Jersey." Upon receiving such statements the
7 Attorney General shall forthwith file the same in his office.

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

9
10 142. Section 4 of P.L.1983, c.531 (C.26:2B-33) is amended to
11 read as follows:

12 4. a. The governing body of each county, in conjunction with
13 the county agency, or individual, designated by the county with the
14 responsibility for planning services and programs for the care or
15 rehabilitation of alcoholics and drug abusers, shall submit to the
16 Deputy Commissioner for the Division of Alcoholism and Drug
17 Abuse and the Governor's Council on Alcoholism and Drug Abuse
18 an annual comprehensive plan for the provision of community
19 services to meet the needs of alcoholics and drug abusers.

20 b. The annual comprehensive plan shall address the needs of
21 urban areas with a population of 100,000 or over and shall
22 demonstrate linkage with existing resources which serve alcoholics
23 and drug abusers and their families. Special attention in the plan
24 shall be given to alcoholism and drug abuse and youth; drinking and
25 drug abusing drivers; women and alcoholism and drug abuse; the
26 disabled and alcoholism and drug abuse; alcoholism and drug abuse
27 on the job; alcoholism and drug abuse and crime; public
28 information; and educational programs as defined in subsection c.
29 of this section. Each county shall identify, within its annual
30 comprehensive plan, the Intoxicated Driver Resource Center which
31 shall service its population, as is required under subsection (f) of
32 R.S.39:4-50. The plan may involve the provision of programs and
33 services by the county, by an agreement with a State agency, by
34 private organizations, including volunteer groups, or by some
35 specified combination of the above.

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

41 c. Programs established with the funding for education from the
42 fund shall include all courses in the public schools required
43 pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for
44 students included in the annual comprehensive plan for each county,
45 and in-service training programs for teachers and administrative
46 support staff including nurses, guidance counselors, child study
47 team members, and librarians. All moneys dedicated to education
48 from the fund shall be allocated through the designated county

1 alcoholism and drug abuse agency and all programs shall be
2 consistent with the annual comprehensive county plan submitted to
3 the Deputy Commissioner for the Division of Alcoholism and Drug
4 Abuse and the Governor's Council on Alcoholism and Drug Abuse
5 pursuant to this section. Moneys dedicated to education from the
6 fund shall be first allocated in an amount not to exceed 20% of the
7 annual education allotment for the in-service training programs,
8 which shall be conducted in each county through the office of the
9 county alcoholism and drug abuse coordinator in consultation with
10 the [county] regional superintendent of schools, local boards of
11 education, local councils on alcoholism and drug abuse and
12 institutions of higher learning, including the Rutgers University
13 Center of Alcohol Studies. The remaining money in the education
14 allotment shall be assigned to offset the costs of programs such as
15 those which assist employees, provide intervention for staff
16 members, assist and provide intervention for students and focus on
17 research and educate about youth and drinking and using drugs.
18 These funds shall not replace any funds being currently spent on
19 education and training by the county.

20 d. The governing body of each county, in conjunction with the
21 county agency, or individual, designated by the county with
22 responsibility for services and programs for the care or
23 rehabilitation of alcoholics and drug abusers, shall establish a Local
24 Advisory Committee on Alcoholism and Drug Abuse to assist the
25 governing body in development of the annual comprehensive plan.
26 The advisory committee shall consist of no less than 10 nor more
27 than 16 members and shall be appointed by the governing body. At
28 least two of the members shall be recovering alcoholics and at least
29 two of the members shall be recovering drug abusers. The
30 committee shall include the county prosecutor or his designee, a
31 wide range of public and private organizations involved in the
32 treatment of alcohol and drug-related problems and other
33 individuals with interest or experience in issues concerning alcohol
34 and drug abuse. Each committee shall, to the maximum extent
35 feasible, represent the various socioeconomic, racial and ethnic
36 groups of the county in which it serves.

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

41 e. The Deputy Commissioner for the Division of Alcoholism
42 and Drug Abuse shall review the county plan pursuant to a
43 procedure developed by the deputy commissioner. In determining
44 whether to approve an annual comprehensive plan under this act,
45 the deputy commissioner shall consider whether the plan is
46 designed to meet the goals and objectives of the "Alcoholism
47 Treatment and Rehabilitation Act," P.L.1975, c.305 (C.26:2B-7 et
48 seq.) and the "Narcotic and Drug Abuse Control Act of 1969,"

1 P.L.1969, c.152 (C.26:2G-1 et seq.) and whether implementation of
2 the plan is feasible. Each county plan submitted to the deputy
3 commissioner shall be presumed valid; provided it is in substantial
4 compliance with the provisions of this act. Where the department
5 fails to approve a county plan, the county may request a court
6 hearing on that determination.

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

8
9 143. Section 8 of P.L.1989, C.51 (C.26:2BB-8) is amended to
10 read as follows:

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

- 18 (1) Local Advisory Committee on Alcoholism and Drug Abuse;
- 19 (2) County Human Services Advisory Council;
- 20 (3) **【County】** Regional Superintendent of Schools;
- 21 (4) Existing county council on alcoholism, if any;
- 22 (5) County Prosecutor's office;
- 23 (6) Family part of the Chancery Division of the Superior Court;
- 24 (7) Youth Services Commission;
- 25 (8) County School Board Association;
- 26 (9) County health agency;
- 27 (10) County mental health agency;
- 28 (11) Local businesses;
- 29 (12) County affiliate of the New Jersey Education Association;
- 30 and
- 31 (13) Other service providers.

32 b. The functions of the County Alliance Steering Subcommittee
33 shall include:

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

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

41 (3) Identification of a network of community leadership for the
42 expansion, replication and development of successful community
43 model programs throughout the county; and

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

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

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

6 e. After the County Annual Alliance Plan is returned by the
7 Governor's Council on Alcoholism and Drug Abuse to the Local
8 Advisory Committee on Alcoholism and Drug Abuse with the
9 council's proposed recommendations for awarding the Alliance
10 grants, pursuant to subsection c. of section 4 of this amendatory and
11 supplementary act, the committee, in conjunction with the council,
12 may revise its plan in accordance with the council's proposed
13 recommendations.

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

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

18
19 144. Section 38 of P.L.1977, c.435 (C.40:43-66.72) is amended
20 to read as follows:

21 38. If so provided in the plan of consolidation approved by the
22 voters of the participating municipalities pursuant to this act, from
23 and after the date of consolidation the school districts of the
24 consolidated municipalities shall be a single school district which
25 shall be administered pursuant to the provisions of Title 18A of the
26 New Jersey Statutes, subject to the following provisions:

27 a. If the school districts of the participating municipalities are all
28 classified as either a type I or type II district, such classification
29 shall be retained;

30 b. If the school districts of the participating municipalities are
31 classified as both type I and type II districts, the classification of the
32 single school districts within the consolidated municipality shall be
33 specified in the plan of consolidation;

34 c. If all of the participating municipalities are members of the
35 same regional school district, the consolidated municipality shall
36 continue as a member of such regional school district; provided,
37 however, that the consolidation commission may recommend that
38 the governing body of the consolidated municipality shall, by
39 resolution, apply forthwith to the [county] regional superintendent
40 of schools to make an investigation as to the advisability of
41 constituting the consolidated municipality as a single school
42 district; and,

43 d. If one or more of the participating municipalities is a member
44 of a regional school district and the other participating
45 municipalities are not, the school districts existing at the time of
46 consolidation shall retain their territory and jurisdiction; provided,
47 however, that the consolidation commission may recommend that
48 the governing body of the consolidated municipality shall, by

1 resolution, apply forthwith to the **【county】** regional superintendent
2 of schools to make an investigation as to the advisability of
3 constituting the consolidated municipality as a single school
4 district, or of enlarging such regional district so as to include all
5 the territory of the consolidated municipality.

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

7
8 145. Section 40 of P.L.1977, c.435 (C.40:43-66.74) is amended
9 to read as follows:

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

15 b. The members of the first board of a type II school district
16 shall be appointed by the **【county】** regional superintendent of
17 schools, in accordance with the provisions of N.J.S.18A:13-38, and
18 shall take office on the date of consolidation. The first elected
19 members of the board shall be elected in the manner set forth in
20 N.J.S.18A:13-39. All subsequent elected members shall be elected
21 in the manner prescribed in subarticle 4B of chapter 12 of Title 18A
22 of the New Jersey Statutes.

23 c. When any of the participating municipalities is a member of a
24 regional school district, the respective board of education or each of
25 the boards of education in the participating municipalities shall
26 retain their territory and jurisdiction, and the members of such
27 board or boards of education shall continue in office after
28 consolidation until the completion of their terms of office. All
29 subsequent members shall be elected or appointed as provided by
30 law.

31 (cf: P.L.1977, c.435, s.40)

32
33 146. Section 25 of P.L.2007, c.63 (C.40A:65-25) is amended to
34 read as follows:

35 25. a. The Legislature finds and declares that in order to
36 encourage municipalities to increase efficiency through municipal
37 consolidation for the purpose of reducing expenses borne by their
38 property taxpayers, more flexible options need to be available to the
39 elected municipal officials and voters than are available through the
40 "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et
41 al.).

42 b. (1) In lieu of the procedures set forth in the "Municipal
43 Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et al.), the
44 governing bodies from two or more contiguous municipalities may
45 apply to the board for either:

46 (a) approval of a plan to consolidate their municipalities; or

47 (b) creation of a Municipal Consolidation Study Commission, as
48 described in subsection c. of this section.

1 (2) A representative committee of registered voters from two or
2 more contiguous municipalities may petition the board for the
3 creation of a Municipal Consolidation Study Commission, as
4 described in subsection c. of this section. The petition, to be
5 sufficient, shall be signed by the registered and qualified voters of
6 the municipalities in a number at least equal to 10% of the total
7 votes cast in those municipalities at the last preceding general
8 election at which members of the General Assembly were elected.

9 (3) The board shall provide application forms and technical
10 assistance to any governing bodies or voters desiring to apply to the
11 board for approval of a consolidation plan or the creation of a
12 Municipal Consolidation Study Commission.

13 (4) A consolidation commission established pursuant to
14 P.L.1977, c.435 (C.40:43-66.35 et seq.) in the year prior to
15 enactment of sections 1 to 37 of P.L.2007, c.63 (C.40A:65-1 et al.)
16 may apply to the Local Finance Board for approval to use the
17 provisions of section 25 through 29 of P.L.2007, c.63 (C.40A:65-25
18 through C.40A:65-29).

19 c. An application to create a Municipal Consolidation Study
20 Commission shall propose a process to study the feasibility of
21 consolidating the participating municipalities into a single new
22 municipality or merging one into the other. The application shall
23 include provisions for:

24 (1) the means of selection and qualifications of study
25 commissioners;

26 (2) the timeframe for the study, which shall be no more than
27 three years, along with key events and deadlines, including time for
28 review of the report by State agencies, which review shall be no
29 less than three months;

30 (3) whether a preliminary report shall be issued in addition to
31 the final report;

32 (4) whether the development of a consolidation implementation
33 plan will be a part of the study;

34 (5) the means for any proposed consolidation plan to be
35 approved; either by voter referendum, by the governing bodies, or
36 both; and

37 (6) if proposed by a representative group of voters, justification
38 of that group's standing to serve as the community advocate for the
39 consolidation proposal.

40 d. (1) An application to the board for consideration of a
41 consolidation plan or to create a Municipal Consolidation Study
42 Commission shall be subject to a public hearing within each
43 municipality to be studied, and a joint public hearing in a place that
44 is easily accessible to the residents of both or all of the
45 municipalities.

46 (2) The public hearings shall be facilitated by the board and
47 conducted in accordance with the provisions of the "Senator Byron
48 M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et

1 seq.).

2 (3) After approval of a plan by the board, it may be amended
3 upon petition to the board by the applicant. Based on the nature of
4 the amendment, the board may decide to hold a public hearing in
5 any of the municipalities affected by the plan, or at a regular
6 meeting, or both.

7 e. Every Municipal Consolidation Study Commission shall
8 include a representative of the Department of Community Affairs as
9 a non-voting representative on the commission. The representative
10 shall not be a resident of a municipality participating in the study.
11 The department shall prepare an objective fiscal study of the fiscal
12 aspects of a consolidation and shall provide it to the commission in
13 a timely manner.

14 f. If the consolidation would include the consolidation of
15 boards of education, a person appointed by the Commissioner of
16 Education shall serve as a non-voting member of that Municipal
17 Consolidation Study Commission. The representative of the
18 Commissioner of Education shall not be a resident of a community
19 participating in the study. The [county] regional superintendent of
20 schools shall conduct a study on the impact of consolidation on the
21 educational system and its finances. The report shall be provided to
22 the commission in a timely manner.

23 g. There shall be no more than one of either a consolidation
24 plan study, a Municipal Consolidation Study Commission, or a joint
25 municipal consolidation created under the "Municipal
26 Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et al.), active
27 in a single municipality at the same time. In the event that more
28 than one application is filed with the board or is being considered
29 by the governing bodies while another action affecting the same
30 municipality or municipalities is under consideration, the board
31 shall consider the applications and shall join any proposed creation
32 of a joint municipal consolidation together and approve only one
33 action as the board deems to be in the public interest. Prior to
34 approving a single action, the board shall hold a public hearing
35 permitting all parties to present testimony on the merits of their
36 action in relation to the other proposals. Once an action is approved
37 by the board, another action from the same combination of
38 municipalities shall not be approved for at least five years.

39 h. In considering its decisions under sections 1 to 37 of
40 P.L.2007, c.63 (C.40A:65-1 et al.), the Local Finance Board and
41 any other State agency shall take into account local conditions, the
42 reasonableness of proposed decisions, and the facilitation of the
43 consolidation process in making decisions concerning
44 consolidation.

45 (cf: P.L.2007, c.63, s.25)

46

47 147. Section 1 of P.L.1997, c.257 (C.52:9DD-8) is amended to
48 read as follows:

1 1. a. There is hereby created the New Jersey Human Relations
2 Council, referred to hereinafter as the council, which shall promote
3 prejudice reduction education and address the problem of bias and
4 violent acts based on the victim's race, color, religion, national
5 origin, ethnicity, sexual orientation, gender or disability. The
6 council shall be a permanent, independent body in but not of the
7 Department of Law and Public Safety.

8 b. The council shall consist of an executive committee which
9 shall include ten public members who shall be representative of the
10 various ethnic; religious; national origin; racial; sexual orientation;
11 gender; and disabilities organizations in this State, of whom four
12 shall be appointed by the Governor, no more than two of whom
13 shall be of the same political party; three shall be appointed by the
14 President of the Senate, no more than two of whom shall be of the
15 same political party; and three shall be appointed by the Speaker of
16 the General Assembly, no more than two of whom shall be of the
17 same political party; two members of the Senate appointed by the
18 President of the Senate, no more than one of whom shall be of the
19 same political party; two members of the General Assembly
20 appointed by the Speaker of the General Assembly, no more than
21 one of whom shall be of the same political party; seven
22 representatives from county human relations commissions
23 representing the diversity of all county human relations
24 commissions from the 21 counties of the State appointed by the
25 Governor; and the following ex officio members: the Attorney
26 General of the State of New Jersey; the Secretary of State;
27 Commissioner of the Department of Education; the Commissioner
28 of the Department of Community Affairs; the Commissioner of the
29 Department of Corrections; the Commissioner of the Department of
30 Human Services; the Public Defender; the Director of the
31 Administrative Office of the Courts; the Director of the Division of
32 Criminal Justice; the Superintendent of the Division of State Police;
33 the Director of the Division on Civil Rights; the President of the
34 County Prosecutors Association of New Jersey; the President of the
35 New Jersey State Association of Chiefs of Police; the President of
36 the Bias Crime Officers Association of New Jersey; a [county
37 Superintendent of Schools] regional superintendent of schools
38 selected by the Commissioner of the Department of Education; the
39 President of the New Jersey Principals and Supervisors Association;
40 and the President of the New Jersey Education Association.

41 c. Of the public members first appointed to the council, six shall
42 be appointed for a term of three years, two shall be appointed for
43 terms of two years and two shall be appointed for a term of one
44 year. The seven county human relations commissions
45 representatives shall be appointed for terms of two years. The
46 legislative members appointed initially under this act shall serve
47 until the end of the legislative session in which the appointment is
48 made. Thereafter, the legislative members shall be appointed for

1 two-year terms to coincide with the two-year legislative term in
2 which they serve on the council. Thereafter, the public members
3 shall be appointed for terms of three years. Vacancies on the
4 council shall be filled in the same manner as the original
5 appointment but for the unexpired term. A chairperson and vice-
6 chairperson shall be selected from among the public members of the
7 council and the representatives from the county human relations
8 commissions. The council shall have the authority to establish
9 subcommittees as it deems appropriate and pursuant to this act. The
10 executive committee of the council shall adopt bylaws to govern the
11 council and elect officers from among the council members as it
12 deems appropriate and pursuant to this act.

13 d. Each ex officio member may designate a person from the
14 member's department or agency to represent the member at hearings
15 of the council. All designees may lawfully vote and otherwise act
16 on behalf of the member for whom they constitute the designee.

17 (cf: P.L.2003, c.201)

18

19 148. (New section) a. The Commissioner of Education shall
20 appoint, with the approval of the State Board of Education, a
21 regional superintendent of schools for the northern, central and
22 southern parts of the State. A regional superintendent shall hold an
23 appropriate certificate issued pursuant to this title and shall have
24 been a resident of the State for at least three years immediately
25 preceding his appointment. The regional superintendent shall serve,
26 unless sooner removed pursuant to law, for a term of three years
27 and thereafter until his successor is appointed and shall qualify.
28 The regional superintendent may be re-appointed by the
29 commissioner on the basis of a satisfactory performance assessment
30 required pursuant to subsection b. of this section.

31 b. A regional superintendent shall be subject to at least one
32 performance assessment during the three-year term. The
33 performance of the regional superintendent shall be assessed by the
34 commissioner based on the ability of the regional superintendent to
35 monitor and promote administrative and operational efficiencies
36 and cost savings within the school districts located in the region,
37 while enhancing the effectiveness of the districts in providing a
38 thorough and efficient system of education, and on their monitoring
39 of the school districts in the five key components of school district
40 effectiveness under the New Jersey Quality Single Accountability
41 Continuum: instruction and program; personnel; fiscal management;
42 operations; and governance. In establishing the standards for
43 assessing the performance of the regional superintendent in
44 facilitating administrative efficiencies, the commissioner shall
45 include such factors as administrator-to-teacher ratios,
46 administrator-to-student ratios, per-pupil administrative
47 expenditures, and improved student educational outcomes.

1 149. (New section) The Commissioner of Education may
2 designate any one of his assistant commissioners or, with the
3 approval of the State board, another suitable person to exercise the
4 powers and perform the duties of the regional superintendent
5 without additional compensation:

6 a. During any period when a regional superintendent is unable to
7 perform his duties by reason of illness, physical disability or for any
8 other cause; and

9 b. During any period when the office of regional superintendent
10 is vacant in any region by reason of the death or resignation of the
11 incumbent or for any other cause.

12
13 150. (New section) A regional superintendent of schools shall
14 receive such salary as shall be approved by the commissioner and
15 shall receive a salary which is not greater than the salary of a
16 cabinet-level official of the State.

17 Each regional superintendent shall receive, in addition to his
18 salary, the traveling and other expenses incurred by him in
19 conducting his office and performing his official duties.

20
21 151. (New section) The commissioner shall, subject to appeal to
22 the State board, cause to be withheld the payment of the salary and
23 expenses of any regional superintendent, who fails to perform
24 faithfully all of the duties imposed upon him by act or by the rules
25 of the State board, until he shall have performed all of such duties.

26
27 152. (New section) Each regional superintendent shall devote
28 his entire time to the duties of his office, and shall have general
29 supervision of all of the public schools of the districts of the
30 region.

31 The regional superintendent shall maintain an office at a suitable
32 location within the region which shall be open to the public. The
33 school records of the region shall be kept at the regional office for
34 the use of the State Department of Education and the United States
35 Department of Education.

36 The State shall be responsible for all costs of the regional
37 offices.

38
39 153. (New section) The regional superintendent shall appoint
40 such clerical assistants for the office as shall be deemed necessary
41 and fix their compensation within the limits of available
42 appropriations made therefor.

43
44 154. (New section) Each regional superintendent shall:

45 a. Visit and examine from time to time all of the schools under
46 his general supervision and exercise general supervision over them
47 in accordance with the rules prescribed from time to time by the
48 State board;

- 1 b. Keep himself informed as to the management, methods of
2 instruction and discipline and the courses of study and textbooks in
3 use, the condition of the school libraries, and the condition of the
4 real and personal property, particularly in respect to the
5 construction, heating, ventilation and lighting of school buildings,
6 in the local districts under his general supervision, and make
7 recommendations in connection therewith;
- 8 c. Advise with and counsel the boards of education of the local
9 districts under his general supervision and of any other district of
10 the region when so requested, in relation to the performance of
11 their duties;
- 12 d. Promote administrative and operational efficiencies and cost
13 savings within the school districts in the region while ensuring that
14 the districts provide a thorough and efficient system of education;
- 15 e. Based on standards adopted by the commissioner,
16 recommend to the commissioner, who is hereby granted the
17 authority to effectuate those recommendations, that certain school
18 districts be required to enter arrangements with one or more other
19 school districts or educational services commissions for the
20 consolidation of the district's administrative services;
- 21 f. Recommend to the commissioner the elimination of laws the
22 regional superintendent determines to be unnecessary State
23 education mandates, other than the categories of laws set forth in
24 section 3 of P.L.1996, c.24 (C.52:13H-3);
- 25 g. Eliminate districts located in the region that are not
26 operating schools on the effective date of P.L.2009, c.78 (C.18A:8-
27 43 et al.), in accordance with a plan and schedule included in the
28 plan submitted to and approved by the commissioner;
- 29 h. Recommend to the commissioner a school district
30 consolidation plan to eliminate all districts, other than county-based
31 districts and other than preschool or kindergarten through grade 12
32 districts in the region, through the establishment or enlargement of
33 regional school districts. After the approval of the plan by the
34 commissioner, the regional superintendent shall require each board
35 of education covered by a proposal in the plan to conduct a special
36 school election, at a time to be determined by the regional
37 superintendent, and submit thereat the question whether or not the
38 regional superintendent's proposal for the regionalization of the
39 school district shall be adopted. The question shall be deemed
40 adopted if it receives a vote in accordance with the provisions of
41 N.J.S.18A:13-5. If the question is adopted by the voters, then the
42 regional district shall be established or enlarged in accordance with
43 chapter 13 of Title 18A of the New Jersey Statutes;
- 44 i. Promote coordination and regionalization of pupil
45 transportation services through means such as reviewing bus routes
46 and schedules of school districts and nonpublic schools within the
47 region;

- 1 j. Review and approve, according to standards adopted by the
2 commissioner, all employment contracts for superintendents of
3 schools, assistant superintendents of schools, and school business
4 administrators in school districts within the region, prior to the
5 execution of those contracts;
- 6 k. Request the commissioner to order a forensic audit and to
7 select an auditor for any school district in the region upon the
8 determination by the regional superintendent, according to
9 standards adopted by the commissioner, that the accounting
10 practices in the district necessitate such an audit;
- 11 l. Review all school budgets of the school districts within the
12 region, and may, pursuant to section 5 of P.L.1996, c.138
13 (C.18A:7F-5), disapprove a portion of a school district's proposed
14 budget if he determines that the district has not implemented all
15 potential efficiencies in the administrative operations of the district
16 or if he determines that the budget includes excessive non-
17 instructional expenses. If the regional superintendent disapproves a
18 portion of the school district's budget pursuant to this paragraph, the
19 school district shall deduct the disapproved amounts from the
20 budget prior to publication of the budget, and during the budget
21 year the school district shall not transfer funds back into those
22 accounts;
- 23 m. Permit a district to submit to the voters a separate proposal
24 or proposals for additional funds pursuant to paragraph (9) of
25 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), only if:
26 (1) the district provides the regional superintendent with written
27 documentation that the district has made efforts to enter into shared
28 arrangements with other districts, municipalities, counties, and
29 other units of local government for the provision of administrative,
30 business, purchasing, public and nonpublic transportation, and other
31 required school district services; (2) the district certifies and
32 provides written documentation that the district participates in on-
33 going shared arrangements; or (3) the district certifies and provides
34 written documentation that entering such shared arrangements
35 would not result in cost savings or would result in additional
36 expenses for the district;
- 37 n. Promote cooperative purchasing within the region of
38 textbooks and other instructional materials;
- 39 o. Coordinate with the Department of Education to maintain a
40 real time Statewide and district-wide database that tracks the types
41 and capacity of special education programs being implemented by
42 each district and the number of students enrolled in each program to
43 identify program availability and needs;
- 44 p. Coordinate with the Department of Education to maintain a
45 Statewide and district-wide list of all special education students
46 served in out-of-district programs and a list of all public and private
47 entities approved to receive special education students that includes
48 pertinent information such as audit results and tuition charges;

1 q. Serve as a referral source for districts that do not have
2 appropriate in-district programs for special education students and
3 provide those districts with information on placement options in
4 other school districts;

5 r. Conduct regional planning and identification of program
6 needs for the development of in-district special education programs;

7 s. Serve as a liaison to facilitate shared special education
8 services within the region including, but not limited to direct
9 services, personnel development, and technical assistance;

10 t. Work with districts to develop in-district special education
11 programs and services including providing training in inclusive
12 education, positive behavior supports, transition to adult life, and
13 parent-professional collaboration;

14 u. Provide assistance to districts in budgetary planning for
15 resource realignment and reallocation to direct special education
16 resources into the classroom;

17 v. Report on a regular basis to the commissioner on progress in
18 achieving the goal of increasing the number of special education
19 students educated in appropriate programs with non-disabled
20 students;

21 w. Render a report to the commissioner annually on or before
22 September 1, in the manner and form prescribed by him, of such
23 matters relating to the schools under his jurisdiction as the
24 commissioner shall require; and

25 x. Perform such other duties as shall be prescribed by law.

26 Any budgetary action of the regional superintendent under this
27 section may be appealed directly to the commissioner, who shall
28 render a decision within 15 days of the receipt of the appeal. If the
29 commissioner fails to issue a decision within 15 days of the filing of
30 an appeal, the budgetary action of the regional superintendent shall
31 be deemed approved. The commissioner shall by regulation
32 establish a procedure for such appeals.

33 Nothing in this section shall be construed or interpreted to
34 contravene or modify the provisions of the "New Jersey Employer-
35 Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), or
36 to limit or restrict the scope of negotiations as provided pursuant to
37 law, or to require an employer to enter into a subcontracting
38 agreement which affects the employment of any employee in a
39 collective bargaining unit represented by a majority representative
40 during the time that an existing collective bargaining agreement
41 with the majority representative is in effect.

42 Nothing in this section is intended to interfere with a school
43 district's ability to provide a thorough and efficient education.
44

45 155. (New section) The regional superintendent may, without
46 charge, administer oaths.

1 156. (New section) The commissioner shall appoint a regional
2 business official to serve in the office of the regional superintendent
3 of schools for a term of three years. The regional business official
4 shall assist the regional superintendent in the performance of the
5 superintendent's duties pursuant to section 154 of P.L. , c. (C.)
6 (pending before the Legislature as this bill), and perform such other
7 duties as determined by the commissioner. Based on criteria
8 developed by the commissioner, the regional business official shall
9 be subject to a performance assessment at least once during the
10 three-year term. The business official may be re-appointed on the
11 basis of a satisfactory performance assessment.

12
13 157. (New section) A local school district may apply to the
14 regional superintendent of schools to have school district services
15 including, but not limited to, transportation, personnel, purchasing,
16 payroll, and accounting, assumed by the office of the
17 superintendent. If the regional superintendent determines to assume
18 a service, a fee may be assessed the school district for the service.
19 The regional superintendent of schools may utilize county special
20 services school districts, jointure commissions, and educational
21 services commissions to provide services to local school boards.

22
23 158. (New section) A regional superintendent of schools shall
24 not accept employment in any school district which was under his
25 supervision in that position for a period of two years commencing
26 on the day his term as regional superintendent terminates.

27
28 159. (New section) Whenever, in any law, rule, regulation,
29 order, contract, document, judicial or administrative proceeding or
30 otherwise, reference is made to the office of the executive county
31 superintendent of schools, the same shall mean and refer to the
32 office of the regional superintendent of schools.

33
34 160. The following acts and parts of acts are hereby repealed:
35 Chapter 7 of Title 18A of the New Jersey Statutes; and
36 R.S.40:23-2.

37
38 161. This act shall take effect on the 365th day after enactment,
39 but the Commissioner of Education may take such anticipatory
40 administrative action in advance as shall be necessary for the
41 implementation of the act.

42
43
44 STATEMENT

45
46 This bill provides for three regional superintendents of schools,
47 one in the northern, one in the central, and one in the southern part
48 of the State, to replace the current 21 executive county

1 superintendents of schools. The State will be responsible for all the
2 costs of the offices of the regional superintendents.

3 Pursuant to the provisions of the bill, the Commissioner of
4 Education will appoint, with the approval of the State Board of
5 Education, the regional superintendent of schools. Persons
6 appointed to the positions must hold an appropriate certificate and
7 must have been a resident of the State for at least three years
8 immediately preceding the appointment. The regional
9 superintendent will serve for a term of three years and is required to
10 devote his entire time to the duties of the office.

11 The regional superintendents will have general supervision of all
12 of the public schools of the districts of their region. Each regional
13 superintendent is required to:

14 --Visit and examine from time to time all of the schools under his
15 general supervision and exercise general supervision over them;

16 --Keep himself informed as to the management, methods of
17 instruction and discipline and the courses of study and textbooks in
18 use, the condition of the school libraries, and the condition of the
19 real and personal property in the local districts under his general
20 supervision;

21 --Advise with and counsel the boards of education of the local
22 districts under his general supervision in relation to the performance
23 of their duties;

24 --Promote administrative and operational efficiencies and cost
25 savings within the school districts in the region while ensuring that
26 the districts provide a thorough and efficient system of education;

27 --Recommend that certain school districts be required to enter
28 arrangements with other school districts for the consolidation of
29 administrative services;

30 --Recommend the elimination of laws determined to be unnecessary
31 State education mandates;

32 --Eliminate districts located in the region that are not operating
33 schools;

34 --Recommend a school district consolidation plan to eliminate all
35 districts through the establishment or enlargement of regional
36 school districts;

37 --Promote coordination and regionalization of pupil transportation
38 services;

39 --Review and approve all employment contracts for superintendents
40 of schools, assistant superintendents of schools, and school business
41 administrators in school districts within the region;

42 --Request the commissioner to order a forensic audit of any school
43 district in the region upon the determination that the accounting
44 practices in the district necessitate such an audit;

45 --Review all school budgets of the school districts within the
46 region, and disapprove a portion of a school district's proposed
47 budget if it is determined that the district has not implemented all
48 potential efficiencies in the administrative operations of the district

- 1 or if it is determined that the budget includes excessive non-
2 instructional expenses;
- 3 --Permit a district to submit to the voters a separate proposal for
4 additional funds only if the district provides certain information to
5 the regional superintendent concerning shared services;
- 6 --Promote cooperative purchasing within the region of textbooks
7 and other instructional materials;
- 8 --Maintain a real time Statewide and district-wide database that
9 tracks the types and capacity of special education programs being
10 implemented by each district and the number of students enrolled in
11 each program to identify program availability and needs;
- 12 --Maintain a Statewide and district-wide list of all special education
13 students served in out-of-district programs and a list of all public
14 and private entities approved to receive special education students;
- 15 --Serve as a referral source for districts that do not have appropriate
16 in-district programs for special education students and provide
17 those districts with information on placement options in other
18 school districts;
- 19 --Conduct regional planning for the development of in-district
20 special education programs;
- 21 --Serve as a liaison to facilitate shared special education services
22 within the region;
- 23 --Provide assistance to districts in budgetary planning for resource
24 realignment and reallocation to direct special education resources
25 into the classroom;
- 26 --Report regularly to the commissioner on progress in increasing the
27 number of special education students educated in appropriate
28 programs with non-disabled students;
- 29 --Render a report to the commissioner annually on such matters
30 relating to the schools under his jurisdiction as the commissioner
31 requires; and
- 32 --Perform such other duties as shall be prescribed by law.

33 The bill will take effect on the 365th day after enactment, but the
34 Commissioner of Education may take such anticipatory
35 administrative action in advance as shall be necessary for the
36 implementation of the act.