

ASSEMBLY, No. 5865

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED DECEMBER 11, 2023

Sponsored by:

Assemblyman JOHN DIMAIO

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Increases sending district representation on receiving district's board of education in certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



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

4

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

7

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

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

13 a. (1) If the pupils of the sending district comprise less than 10
14 percent of the total enrollment of the pupils in the grades of the
15 receiving district in which the pupils of the sending district will be
16 enrolled, the sending district shall have no representation on the
17 receiving district board of education.

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

23 b. (1) If the total number of pupils of two or more sending
24 districts, which do not qualify for representation under subsection a.
25 of this section, comprise at least 15 percent of the total enrollment
26 of the pupils in the grades of the receiving district in which the
27 pupils of the sending districts will be enrolled, they shall have
28 collectively two representatives on the receiving district board of
29 education. The annual designation of the representatives, in the
30 event more than two districts collectively qualify under this
31 subsection, shall be rotated among the boards of education of the
32 sending districts according to a schedule determined by the joint
33 agreement of the boards.

34 (2) If the total number of pupils of two or more sending districts,
35 which do not qualify for representation under subsection a. of this
36 section or paragraph (1) of this subsection, comprise at least 10
37 percent of the total enrollment of the pupils in the grades of a
38 receiving district that is located in a county of the third class,
39 having a population greater than 100,000 people but less than
40 120,000 people according to the 2020 federal decennial census, in
41 which the pupils of the sending districts will be enrolled, the
42 sending districts shall have collectively one representative on the
43 receiving district's board of education. The annual designation of
44 the representative shall be rotated among the boards of education of

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 the sending districts according to a schedule determined by the joint
2 agreement of the boards.

3 (3) If the total number of pupils of two or more sending districts,
4 which do not qualify for representation under subsection a. of this
5 section or paragraphs (1) or (2) of this subsection, comprise at least
6 10 percent of the total enrollment of the pupils in the grades of the
7 receiving district in which the pupils of the sending districts will be
8 enrolled, the sending districts may have collectively one
9 representative on the receiving district's board of education, subject
10 to the approval of a majority of the board's members. The annual
11 designation of the representative shall be rotated among the boards
12 of education of the sending districts according to a schedule
13 determined by the joint agreement of the boards.

14 (4) If the receiving district has pupils enrolled from two or more
15 sending districts, which do not qualify for representation under
16 subsection a. of this section or paragraphs (1), (2), or (3) of this
17 subsection, the sending districts shall collectively have one non-
18 voting representative on the receiving district board of education.
19 The annual designation of the representative shall be rotated among
20 the boards of education of the sending districts according to a
21 schedule determined by the joint agreement of the boards.

22 c. Notwithstanding the provisions of subsections a. and b. of
23 this section, the number of representatives designated by the
24 sending districts to be additional members shall not exceed three
25 additional voting members on a receiving board with originally nine
26 or more voting members, two additional voting members on a
27 receiving board with originally seven or eight voting members, and
28 one additional voting member on a receiving board with originally
29 less than seven voting members. In the event that this restriction
30 results in an unequal representation of sending districts, the annual
31 designation of the representative or representatives shall be rotated
32 among the boards of education of the sending districts according to
33 a schedule determined by the joint agreement of the boards.

34 d. A representative of a sending district board of education
35 shall be designated at the meeting of the board which is closest in
36 time to the annual organizational meeting of the receiving district
37 board of education and shall serve a one-year term beginning with
38 the organizational meeting of the receiving district board. The
39 representative shall be subject to the rules and procedures of the
40 receiving district board of education.

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

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

45
46 2. This act shall take effect immediately.

STATEMENT

This bill increases sending district representation on a receiving district's board of education in certain circumstances.

Under current law, a sending district is entitled to representation on a receiving district's board of education when the sending district's students comprise at least 10 percent of the total enrollment of the students in the grades of the receiving district. If two or more sending districts do not individually meet this percent threshold, but collectively comprise at least 15 percent of the total enrollment of the relevant grades of the receiving district, the sending districts are required to collectively have two representatives on the receiving district's board of education.

The bill stipulates that two or more sending districts that do not meet the requirements for representation under current law and collectively comprise at least 10 percent of the total enrollment of the relevant grades of a receiving district that is located in a county of the third class, having a population greater than 100,000 people but less than 120,000 people according to the 2020 federal decennial census, are to have one representative on the receiving district's board of education.

Additionally, the bill stipulates that two or more sending districts that do not meet the requirements for representation under current law and collectively comprise at least 10 percent of the total enrollment of the relevant grades of a receiving district may collectively have one representative on the receiving district's board of education, subject to the approval of a majority of the board's members.

Finally, the bill stipulates that if two or more sending districts collectively comprise less than 10 percent of the total enrollment of students in the relevant grades in the receiving district, the sending districts are to collectively have one non-voting representative on the receiving district's board of education.