

[First Reprint]

SENATE, No. 3804

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MAY 11, 2023

Sponsored by:

Senator DOUGLAS J. STEINHARDT

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 reported by the Senate Education Committee on November 27, 2023, with amendments.



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 ¹[subparagraph] paragraph¹ (1) of ¹[subsection b. of]¹
37 this ¹[section] subsection¹, comprise at least 10 percent of the total
38 enrollment of the pupils in the grades of ¹[the] a¹ receiving district
39 ¹that is located in a county of the third class, having a population
40 greater than 100,000 people but less than 120,000 people according
41 to the 2020 federal decennial census,¹ in which the pupils of the
42 sending districts will be enrolled, ¹[they] the sending districts¹
43 shall have collectively one representative on the receiving district's
44 board of education. The annual designation of the representative
45 shall be rotated among the boards of education of the sending

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

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted November 27, 2023.

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

3 (3) 1If the total number of pupils of two or more sending
4 districts, which do not qualify for representation under subsection a.
5 of this section or paragraphs (1) or (2) of this subsection, comprise
6 at least 10 percent of the total enrollment of the pupils in the grades
7 of the receiving district in which the pupils of the sending districts
8 will be 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)¹ 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) ¹【and】 , ¹ (2) ¹, or (3)¹
17 of ¹【subsection b. of】¹ this ¹【section】 subsection¹, the sending
18 districts shall collectively have one non-voting representative on the
19 receiving district board of education. The annual designation of the
20 representative shall be rotated among the boards of education of the
21 sending districts according to a schedule determined by the joint
22 agreement of the boards.

23 c. Notwithstanding the provisions of subsections a. and b. of
24 this section, the number of representatives designated by the
25 sending districts to be additional members shall not exceed three
26 additional ¹voting¹ members on a receiving board with originally
27 nine or more ¹voting¹ members, two additional ¹voting¹ members on
28 a receiving board with originally seven or eight ¹voting¹ members,
29 and one additional ¹voting¹ member on a receiving board with
30 originally less than seven ¹voting¹ members. In the event that this
31 restriction results in an unequal representation of sending districts,
32 the annual designation of the representative or representatives shall
33 be rotated among the boards of education of the sending districts
34 according to a schedule determined by the joint agreement of the
35 boards.

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

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

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

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48 2. This act shall take effect immediately.