

CHAPTER 45

AN ACT concerning regional school districts, amending various sections of the New Jersey Statutes, and supplementing chapter 13 of Title 18A of the New Jersey Statutes.

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

C.18A:13-34a Board of education for newly created regional district.

1. Notwithstanding any section of law to the contrary, the boards of education proposing to form a newly created regional school district may by resolution frame and adopt a proposal to calculate and apportion the membership of the board of education of the newly created regional district other than in accordance with the provisions of N.J.S.18A:13-8. If the commissioner approves the alternative apportionment, then that alternative apportionment shall be included in the consultation, study, and investigation conducted pursuant to N.J.S.18A:13-34 to determine whether it is advisable for school districts to form a newly created regional school district. If the commissioner or his representative determines that it is advisable for such districts to form a newly created regional school district, and the question of whether or not the proposal to create a regional district is submitted to the voters pursuant to N.J.S.18A:13-34, and the proposal is adopted by the voters pursuant to N.J.S.18A:13-35, then the members of the board of education of the regional district shall be elected in accordance with such alternate apportionment.

C.18A:13-9a Apportionment of membership of board of education.

2. Notwithstanding the provisions of N.J.S.18A:13-9 or any other section of law to the contrary, in the case in which the membership of the board of education of the regional district is apportioned pursuant to section 1 or section 3 of P.L.2017, c.45 (C.18A:13-34a or C.18A:13-46.1), the apportionment shall continue in effect until the official promulgation of the next federal census. Immediately after the official promulgation of a federal census, the Commissioner of Education shall consult with the constituent districts of the regional district to determine whether or not to reapportion the membership of the board of education of the regional district. All members of the board of education of the regional district shall continue in office for the terms for which they were elected or appointed notwithstanding any reapportionment ordered by the commissioner. If any constituent district receives increased representation on the board as a result of a reapportionment ordered by the commissioner, the additional members shall be elected at the next annual school election of the regional district. If, as a result of such reapportionment, a disproportionate number of the total representatives of any one constituent district to a regional board are to be elected at a single annual school election, the commissioner shall have the power, on petition of a constituent district board of education, to alter the term of any member representing such constituent district by not more than one year, so as to temporarily apportion, as equally as possible over any given three-year period, the election of the members representing such constituent district.

C.18A:13-46.1 Apportionment of membership of enlarged district board of education.

3. a. Notwithstanding the provisions of any section of law to the contrary, the board of education of a regional district and the board or boards of education of one or more local districts determined to enlarge the regional school district may by resolution frame and adopt a proposal to calculate and apportion the membership of the enlarged board of education other than in accordance with the provisions of N.J.S.18A:13-8 and N.J.S.18A:13-36. If the commissioner approves the alternative apportionment, then that alternative apportionment shall be included in the consultation, study, and investigation conducted pursuant to

N.J.S.18A:13-43 to determine whether it is advisable to enlarge the regional school district to include the local district or districts therein. If the commissioner or his representative determines that it is advisable to enlarge the regional school district to include the local district or districts therein, and the question of whether or not the proposal to enlarge the regional district is submitted to the voters pursuant to N.J.S.18A:13-43, and the proposal is adopted by the voters pursuant to N.J.S.18A:13-44, then the members of the enlarged board of education of the regional district shall be elected in accordance with the alternate apportionment.

For an enlarged regional district with a board of education apportioned pursuant to this section, the executive county superintendent of the county in which any new constituent district of an enlarged regional district is situate shall, not later than 30 days after the election for the enlargement thereof, appoint one member of the enlarged board of education of the regional district from among the qualified citizens of each new constituent district, and the members so appointed shall serve until the first Monday succeeding the first annual April school election of the enlarged regional district. In the case of a regional district in which the annual school election is in November, the members so appointed shall serve until the first week in January next succeeding the first annual November school election of the enlarged regional district.

b. The commissioner shall reapportion the membership of the enlarged board of education in accordance with the alternative apportionment determined pursuant to this section, and shall designate the number of members to be elected from each constituent school district. All members of the board of education of the enlarged regional district shall be elected in accordance with the alternative apportionment at the next annual school election after the election to enlarge the regional district.

c. The commissioner shall allocate the initial elective terms for the first elective members of the enlarged board in the following manner:

(1) In regional districts having nine members, three members shall be elected for three years, three for two years and three for one year, which terms shall be allocated to the constituent districts to the extent of apportioned membership on the regional board of education, starting with the allocation of the terms of three years, by allocating one of such terms to each of the constituent districts in the alphabetical order of the names of such districts, and continuing then still in such order with allocation of the terms of two years and with allocation of the terms of one year.

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

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

Boards of education of regional districts.

18A:13-8. The board of education of a regional district shall consist of nine members unless it consists of more than nine constituent districts, in which case the membership shall be the same as the number of constituent districts, plus one. Except as otherwise provided pursuant to section 1 or section 3 of P.L.2017, c.45 (C.18A:13-34a or C.18A:13-46.1), if there are nine or less constituent districts, the members of the board of education of the regional district shall be apportioned by the executive county superintendent or executive county superintendents of the county or counties in which the constituent districts are situate,

among said districts as nearly as may be according to the number of their inhabitants except that each constituent district shall have at least one member.

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

Except as otherwise provided pursuant to section 1 or section 3 of P.L.2017, c.45 (C.18A:13-34a or C.18A:13-46.1), if there are more than nine constituent districts, the members on the board shall be apportioned among the constituent districts and the weight of their votes in all proceedings of the board shall be determined by the appropriate executive county superintendent or superintendents through the following procedure:

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

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

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

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

e. The members of the regional district board of education shall be apportioned among the representative districts according to the method of equal proportions, and where a representative district is composed of more than one constituent district, members shall be elected at large from within the representative district.

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

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

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

h. Whenever the above reapportionment procedure is used for a regional district having more than nine constituent districts, the terms of office of all incumbent board of education members shall terminate on the day on which the annual organization meeting of the board is

held pursuant to N.J.S.18A:13-12 following certification by the executive county superintendent of the representative districts and the number of members to be elected from each; provided, that if the reapportionment results in any representative district retaining its former boundaries and the same number of board members, that the members elected from such a district shall serve the full term for which they were elected. All other board members shall be elected in an election to be held on the date of the annual school election at least 60 days following certification by the executive county superintendent for initial terms of office to be designated in advance by the executive county superintendent so that, as nearly as possible, one-third of the board shall be elected in each future year, to serve for three-year terms, and where a representative district has more than one member, their terms of office shall terminate in different years.

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

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

b. The regional district is an all purpose district, the membership of the regional board of education from such district shall be apportioned, and from time to time reapportioned, and the members from the district shall be elected, as their respective terms expire, in the same manner as though each of the municipalities making up such constituent district were constituent districts of the regional district.

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

Apportionment of membership of board of newly created regional district.

18A:13-36. Except as otherwise provided in section 1 of P.L.2017, c.45 (C.18A:13-34a), the executive county superintendent or executive county superintendents of any county or counties, in which such newly created regional district is situate, shall calculate and apportion the membership of the board of education of such newly created regional district in accordance with the provisions of N.J.S. 18A:13-8 and if such regional district is an all purpose regional district such membership shall be apportioned among the municipalities included within the districts according to the number of their inhabitants, as apportionment is made among constituent districts forming a limited purpose regional district, and the members shall be elected or appointed in accordance with such apportionment.

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

Election of first members of board.

18A:13-39. The first elected members of the board of a newly created regional district shall be elected at the annual election to be held in the calendar year first succeeding the year in which the election for the creation of the district was held.

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

Taking charge and control of educational facilities of schools in newly created regional districts.

18A:13-41. A regional board of education of a newly created regional district shall take charge and control of the educational facilities of the constituent districts in the classes or

grades for which the same is formed when the commissioner shall certify to the boards of education of each of the constituent districts that suitable facilities and accommodations have been made available for the instruction of the pupils in said regional district, but it shall not take charge and control of such educational facilities earlier than July 1 of the calendar year next ensuing the date of the election for the creation of the district, except by agreement between the regional board and the boards of education of the constituent districts, approved by the commissioner. Until the commissioner shall so certify, the charge and control of the educational facilities of the constituent districts in the classes and grades for which the regional district was formed shall continue to be in the respective boards of education of the constituent districts.

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

Enlargement of districts; special election.

18A:13-43. If the board of education of a regional district and the board or boards of education of one or more local districts, and the commissioner or his representative, after consultation, study and investigation, shall determine that it is advisable to enlarge the regional school district so as to include said local district or districts therein, the board of education of the regional district and of each such local district shall by resolution frame and adopt a proposal to that effect and shall submit upon the same day, in such regional district and in each such local school district, at a special school election or at an election to be held on the third Tuesday in April the question whether or not said proposal shall be approved briefly describing the contents of said resolution and stating the date of its adoption and they may submit also at such special election as part of such proposal any other provision which may be submitted at such a special election under the provisions of this chapter.

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

Enlargement of regional districts; new board members; reapportionment.

18A:13-46. Except as otherwise provided in section 3 of P.L.2017, c.45 (C.18A:13-46.1), the executive county superintendent of the county in which any new constituent district of an enlarged regional district shall be situate shall, not later than 30 days after the election for the enlargement thereof, appoint one member of the enlarged board of education of the regional district from among the qualified citizens of each such new constituent district and the members so appointed shall serve until the first Monday succeeding the first annual April school election of the enlarged regional district and their successors shall be elected at said election. In the case of a regional district in which the annual school election is in November, the members so appointed shall serve until the first week in January next succeeding the first annual November school election of the enlarged regional district and their successors shall be elected at that election. If by reason of the enlargement of the district it becomes necessary to reapportion the membership of the enlarged board of education the executive county superintendent or superintendents of the county or counties in which the constituent local districts of the enlarged district are situate shall reapportion the membership of the enlarged board of education in accordance with the provisions of sections 18A:13-8 and 18A:13-36, and at the same time shall designate the number of members to be elected from each constituent school district at the succeeding annual school election to be held therein upon the expiration of the terms of office of the members of the regional board then in office, in such manner that the representation of the constituent districts shall be established in

accordance with such reapportionment at the earliest possible time but the members then in office shall continue in office for the terms for which they were elected or appointed notwithstanding such reapportionment.

10. This act shall take effect immediately.

Approved May 1, 2017.