

CHAPTER 295 LAWS OF N. J. 1968

APPROVED 9/9/68

SENATE, No. 864

STATE OF NEW JERSEY

INTRODUCED JUNE 17, 1968

By Senator HIERING

(Without Reference)

AN ACT concerning education, amending certain sections of Title 18A of the New Jersey Statutes and enacting a revision of parts of the statutory law.

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

1 1. Section 18A:13-8 of the New Jersey Statutes is amended to
2 read as follows:

3 18A:13-8. The board of education of a regional district shall
4 consist of 9 members unless it consists of more than 9 constituent
5 districts, in which case the membership shall be such that each
6 district shall have one member, but if there are less than 9 consti-
7 uent districts, [each district shall have one member and the re-
8 maining members] *the members of the board of education of the*
9 *regional district* shall be apportioned by the county superintendent
10 or county superintendents of the county or counties in which the
11 constituent districts are situate, among said districts as nearly as
12 may be according to the number of their inhabitants *except that*
13 *each constituent district shall have at least one member.*

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

25 If any constituent district is a consolidated district, or a district

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

26 composed of 2 or more municipalities, and

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

32 b. The regional district is an all purpose district,
33 the membership of the regional board of education from such
34 district shall be apportioned, and from time to time reapportioned,
35 and the members from the district shall be elected, as their respec-
36 tive terms expire, in the same manner as though each of the mu-
37 nicipalities making up such constituent district were constituent
38 districts of the regional district.

1 2. Section 18A:14-19 of the New Jersey Statutes is amended
2 to read as follows:

3 18A:14-19. The secretary of each board shall give notice of each
4 election specifying:

- 5 (1) The day, time and place thereof,
- 6 (2) The offices, if any, to be filled at such election,
- 7 (3) The substance of any public question to be submitted to
8 the voters thereat,
- 9 (4) Such other information as may be required by law, and
- 10 (5) If more than one polling district is established in the
11 school district, the boundaries of the polling districts or the
12 numbers assigned to them as election districts with which they
13 coincide in the school district and the location of the polling
14 place for each.

15 not less than 10 days prior to the date fixed for the election, by
16 posting at least 7 copies of such notice, one on each schoolhouse
17 in the district and the others at such public places therein as the
18 board shall direct and causing a copy thereof to be published at
19 least once, in at least one newspaper published in each munici-
20 pality in the district and, if no newspaper is published in any
21 such municipality *or such a newspaper will not be published in*
22 *time to publish such notice in accordance with this section*, then,
23 as to such municipality, in at least one newspaper published in
24 the county or State and circulating in the municipality.

1 3. Section 18A:17-25 of the New Jersey Statutes is amended to
2 read as follows:

3 18A:17-25. A business manager may be appointed in any Type I
4 school district, and subject to the provisions of article 1 of this
5 chapter, may be removed from such office, by a *recorded roll call*
6 majority vote of **[all of]** the **[members]** *full membership* of the

7 board of education and he shall receive such salary as the board
8 shall determine.

1 4. Section 18A :17-32 of the New Jersey Statutes is amended to
2 read as follows:

3 18A :17-32. If the custodian is an officer of the municipality con-
4 stituting the district, and the bond given by him for the faithful
5 performance of his duties as such municipal officer covers and
6 secures the faithful performance of his duties as custodian of
7 school moneys, and it shall be so certified to the board by a certifi-
8 cate of such coverage by the bondsman thereon and the amount
9 thereof is sufficient to cover both the original and the additional
10 liability he shall not be required to give additional bond but other-
11 wise *or if he is not such an officer* he shall give [additional] bond
12 for the faithful performance of his duties *as custodian of school*
13 *moneys* in such amount, and with such surety, as the board shall
14 direct. In each case the board in its determination of the amount
15 shall be guided by a schedule of minimum limits to be promulgated
16 by the State board.

1 5. Section 18A :22-8 of the New Jersey Statutes is amended to
2 read as follows:

3 18A :22-8. The budget shall be prepared in such detail and upon
4 such forms as shall be prescribed by the commissioner and to it
5 shall be annexed a statement so itemized as to make the same
6 readily understandable, in which shall be shown:

7 a. The amounts of moneys estimated to be necessary to be ap-
8 propriated for such ensuing school year, indicating separately
9 those required for--

10 1. Current expenses of the school including the salaries of
11 the secretary of the board of education, the custodian of school
12 moneys, principals, teachers, janitors, medical inspectors and
13 truant officers; fuel, textbooks, school supplies, flags, trans-
14 portation of pupils, tuition of pupils attending schools in other
15 districts with the consent of the board, school libraries, truant
16 schools, insurance, repairs and renewals to buildings, furniture,
17 equipment or apparatus, and other incidental expenses of the
17A schools,

18 2. Vocational evening schools and courses,

19 [3. Industrial schools,]

20 [4.] 3. Evening schools or classes for foreign-born resi-
21 dents,

22 [5.] 4. Interest and debt redemption charges, in type II
23 districts only,

24 [6.] 5. Appropriations to the capital reserve fund,

25 **[7.]** 6. Any other major purposes including any capital
26 project which it is desired to include in the annual budget;

27 b. The amount appropriated for each of said items for the current
28 school year;

29 c. The anticipated revenues intended to be used for said items
30 and purposes and the respective sources and amounts of the same;

31 d. The anticipated revenues for similar items and purposes for
32 the current school year and the respective sources and amounts
33 of the same;

34 e. The amount of the surplus account available at the beginning
35 of the current school year; and

36 f. The amount of money which shall have been apportioned to
37 the district by the commissioner and authorized by law to be used
38 to meet the expenses of such district for such ensuing year.

1 6. Section 18A:22-33 of the New Jersey Statutes is amended
2 to read as follows:

3 18A:22-33. The board of education of each Type II district not
4 having a board of school estimate shall, at each annual school
5 election, submit to the voters of the district, the amounts of money
6 fixed and determined in its budget, excluding therefrom the sum
7 or sums stated therein to be used for interest and debt redemption
8 charges, in the manner provided by law, to be voted upon for the
9 use of the public schools of the district for the ensuing school year,
10 which amounts shall be stated in the notice of the election, and the
11 legal voters of the district shall determine at such election, by a
12 majority vote of those voting upon the proposition, the sum or
13 sums, not exceeding those stated in the notice of the election, to
14 be raised by special district tax for said purposes, in the district
15 during the ensuing school year and the secretary of the board of
16 education shall certify the amounts so determined upon, *if any*,
17 and the sums so stated for interest and debt redemption charges,
18 to the county board of taxation of the county on or before April 1
19 next succeeding and the amount or amounts so certified shall be
20 included in the taxes assessed, levied and collected in the munici-
21 pality or municipalities comprising the district for such purposes.

1 7. Section 18A:22-37 of the New Jersey Statutes is amended
2 to read as follows:

3 18A:22-37. If the voters reject any of the items submitted at
4 the second election, the governing body of the municipality, or of
5 each of the municipalities, included in the district shall, after con-
6 sultation with the board, and within 10 days after receipt of the
7 proposed school budget from the board, **[**certify to the county

8 board of taxation the amounts which] *determine the amount which,*
 9 *in the judgment of said body or bodies* [determine to be], *is nec-*
 10 *essary to be appropriated, for each item appearing in such budget,*
 11 *to provide a thorough and efficient system of schools in the dis-*
 12 *trict, [the aggregate of] and certify to the county board of taxa-*
 13 *tion the totals of the amount so determined to be necessary for*
 14 *each of the following:*

- 15 *a. Current expenses of schools;*
- 16 *b. Vocational evening schools or classes;*
- 17 *c. Evening schools or classes for foreign-born residents;*
- 18 *d. Appropriations to capital reserve fund; or*
- 19 *e. Any capital project, the cost whereof is to be paid directly*
 20 *from such taxes;*

21 which amounts shall be included in the taxes to be assessed, levied
 22 and collected in such municipality or municipalities for such pur-
 23 poses.

1 8. Section 18A:22-38 of the New Jersey Statutes is amended
 2 to read as follows:

3 18A:22-38. If said governing body or bodies shall fail so to
 4 certify any amount, determined by them to be necessary for any
 5 item rejected at the second election, or in event that the governing
 6 bodies of the municipalities comprising a school district, shall
 7 certify different amounts, then the commissioner shall determine
 8 [and certify to the county board of taxation] the amount or
 9 amounts which [he shall determine,] in his judgment, [to be]
 10 *are necessary to be appropriated, for each of the items appearing*
 11 *in the budget, submitted to such governing body or bodies, to*
 12 *provide a thorough and efficient system of public schools in the*
 13 *district, [setting forth separately the sums so determined upon*
 14 *for interest and debt redemption charges,] and certify to the*
 15 *county board of taxation the totals of the amount so determined to*
 16 *be necessary for each of the following:*

- 17 *a. Current expenses of schools;*
- 18 *b. Vocational evening schools or classes;*
- 19 *c. Evening schools or classes for foreign-born residents;*
- 20 *d. Appropriations to capital reserve fund; or*
- 21 *e. Any capital project, the cost whereof is to be paid directly*
 22 *from such taxes;*

23 and the amounts so certified shall be included in the taxes to be
 24 assessed, levied and collected in such municipality or municipalities
 25 for such purposes.

1 9. Section 18A:24-20 of the New Jersey Statutes is amended to
 2 read as follows:

3 18A:24-20. School bonds may be authorized and issued in the
4 manner prescribed in section 18A:24-21, notwithstanding the pro-
5 visions of section 18A:24-19, by, or for the purposes of, any district
6 other than a [limited purpose] regional district, within the limita-
7 tions and upon compliance with the provisions of this article to
8 the extent that the percentage of net debt as stated in a supple-
9 mental debt statement required to be filed as to such authorization,
10 and prior thereto, shall not exceed 3½%.

1 10. Section 18A:24-23 of the New Jersey Statutes is amended
2 to read as follows:

3 18A:24-23. School bonds may be authorized and issued notwith-
4 standing the provisions of section 18A:24-19:

5 a. For the purposes of a Type I district, when an ordinance,
6 authorizing the issuance of such bonds and conforming with the
7 provisions of section 18A:24-24, has been finally adopted by the
8 governing body of the municipality comprised within the district,
9 by the recorded affirmative vote of a majority of all the members
10 thereof, upon a copy of which there shall have been endorsed, prior
11 to such adoption, the consents of the commissioner and the local
12 finance board, provided for in sections 18A:24-25, 18A:24-26 and
13 18A:24-27, and by the adoption subsequently of a proposition con-
14 firming such ordinance, conforming with the provisions of section
15 18A:24-24, by the qualified voters of such municipality by a major-
16 ity of the legal votes cast thereon upon its submission to them for
17 their approval or rejection; or

18 b. By a Type II district, when a proposal authorizing the board
19 of education to issue such bonds[, conforming with the provisions
20 of section 18A:24-24,] has been adopted by resolution by the board
21 of education of the district and such proposal has been adopted
22 by the legal voters of the district by a majority of the legal votes
23 cast thereon upon its submission to them for their approval or
24 rejection after there has been endorsed upon a copy thereof the
25 consents of the commissioner and the local finance board, as pro-
26 vided in sections 18A:24-25, 18A:24-26 and 18A:24-27.

1 11. Section 18A:24-24 of the New Jersey Statutes is amended
2 to read as follows:

3 18A:24-24. Every ordinance, and every proposition confirming
4 an ordinance, and every proposal, authorizing the issuance of bonds
5 under section 18A:24-23, except such a proposal authorizing the
6 issuance of bonds of a [limited purpose] regional school district
7 shall, after stating any other matters or things required by law,
8 disclose the effect of such ordinance or proposal contained in such
9 resolution on the borrowing margin of every municipality com-

10 prised within the school district, and such disclosure shall include
 11 and state the amount, if any, of such borrowing margin before
 12 final approval of the ordinance or proposal and the amount of
 13 such borrowing margin, if any, which would be used up by final
 14 approval thereof and the amount, if any, of net debt, in excess of
 15 the measure of such borrowing margin, which would result after
 16 the final approval of the ordinance or resolution, and such dis-
 17 closure shall be sufficient if in substantially the following form with
 18 appropriate figures inserted:

19 a. In the case of an ordinance—

20 The authorization of the \$..... (insert amount of bonds
 21 to be issued) bonds provided for by this ordinance uses up all of
 22 the \$..... (insert amount of borrowing margin before
 23 adoption or ordinance), or, in an appropriate case, increases the
 24 existing deficit in the borrowing margin of the
 25 (insert name of municipality) previously available for other
 26 improvements and raises its net debt to \$..... (insert
 27 amount, after adoption of ordinance, of net debt of the munici-
 28 pality in excess of 3½% of the amount stated in the supplemental
 29 debt statement required by this article to be filed prior to the
 30 authorization of the bonds to be issued as the average of the 3 last
 31 preceding equalized valuations of the taxable real estate (together
 32 with improvements) of the municipality, as stated in the annual
 33 debt statement of the municipality or revision thereof last filed)
 34 beyond such borrowing margin;

35 b. In the case of a proposition confirming such an ordinance—

36 Shall the ordinance of the (insert
 37 name of municipality) adopted on (insert
 38 date of adoption) authorizing the issuance of \$..... (in-
 39 sert amount of bonds to be issued) bonds for school purposes and
 40 using up all of the \$..... (insert amount or borrowing
 41 margin before adoption of ordinance), or, in an appropriate case,
 42 increasing the existing deficit in the borrowing margin of the
 43 (insert name of municipality) pre-
 44 viously available for other improvements and raising its net debt
 45 to \$..... (insert amount, after adoption of ordinance, of
 46 net debt of the municipality in excess of 3½% of the amount stated
 47 in the supplemental debt statement required by this article to be
 48 filed prior to the authorization of the bonds to be issued as the
 49 average of the 3 last preceding equalized valuations of the taxable
 50 real estate (together with improvements) of the municipality, as
 51 stated in the annual debt statement of the municipality or revision
 52 thereof last filed) beyond such borrowing margin, be approved;

53 c. In the case of a proposal contained in a resolution—
 54 Resolved that the board of education does hereby determine,
 55 subject to the approval of the legal voters of the district:
 56 To * * * ; and
 57 To issue bonds of the school district for said purpose (or pur-
 58 poses) in the principal amount of \$..... (insert amount
 59 of bonds to be issued), thus using up all of the \$.....
 60 (insert amount of borrowing margin before adoption of resolu-
 61 tion), or in an appropriate case, increasing the existing deficit in
 62 the borrowing margin of the (insert
 63 name of municipality) previously available for other improve-
 64 ments and raising its net debt to \$..... (insert amount,
 65 after adoption of resolution, of net debt of the municipality in
 66 excess of 3½% of the amount stated in the supplemental debt
 67 statement required by this article to be filed prior to the authoriza-
 68 tion of the bonds to be issued as the average of the 3 last preceding
 69 equalized valuations of the taxable real estate (together with im-
 70 provements) of the municipality, as stated in the annual debt
 71 statement of the municipality or revision thereof last filed) beyond
 72 such borrowing margin, and (if there be other municipality or
 73 municipalities comprised within such school district) using up all
 74 (or, in an appropriate case, an amount) of the \$.....
 75 (insert amount of borrowing margin before adoption of resolution),
 76 or, in an appropriate case, increasing the existing deficit in the
 77 borrowing margin of the (insert
 78 name of municipality) previously available for other improve-
 79 ments and (in every case where all borrowing margin is used)
 80 raising its net debt to \$..... (insert amount after adop-
 81 tion of proposal, of net debt of the municipality in excess of 3½%
 82 of the amount stated in the supplemental debt statement required
 83 by this article to be filed prior to the authorization of the bonds
 84 to be issued as the average of the 3 last preceding equalized valua-
 85 tions of the taxable real estate (together with improvements) of
 86 the municipality, as stated in the annual debt statement of the
 87 municipality or revision thereof last filed) beyond such borrowing
 88 margin, et cetera, et cetera.

1 12. Section 18A:25-6 of the New Jersey Statutes is amended
 2 to read as follows:

3 18A:25-6. The superintendent of schools may, with the approval
 4 of the president or presidents of the board or boards employing
 5 him, suspend any assistant superintendent, principal or **[teacher]**
 6 *teaching staff member*, and shall report such a suspension to the
 7 board or boards forthwith. The board or boards, each by a recorded

8 roll call majority vote of its membership, shall take such action
9 for the restoration or removal of such person as it shall deem
10 proper, subject to the provisions of chapter 6 and chapter 28 of
11 this Title.

1 13. Section 18A:29-14 of the New Jersey Statutes is amended
2 to read as follows:

3 18A:29-14. Any board of education may withhold, for inefficiency
4 or other good cause, the employment increment, or the adjustment
5 increment, or both, of any member in any year by a *recorded roll*
6 *call* majority vote of [all] the [members] *full membership* of the
7 board of education. It shall be the duty of the board of education,
8 within 10 days, to give written notice of such action, together with
9 the reasons therefor, to the member concerned. The member may
10 appeal from such action to the commissioner under rules pre-
11 scribed by him. The commissioner shall consider such appeal and
12 shall either affirm the action of the board of education or direct
13 that the increment or increments be paid. The commissioner may
14 designate an assistant commissioner of education to act for him
15 in his place and with his powers on such appeals. It shall not be
16 mandatory upon the board of education to pay any such denied
17 increment in any future year as an adjustment increment.

1 14. Section 18A:37-4 of the New Jersey Statutes is amended to
2 read as follows:

3 18A:37-4. The teacher in a school having but one teacher or the
4 principal in all other cases may suspend any pupil from school for
5 good cause but such suspension shall be reported forthwith by the
6 teacher or principal so doing to the superintendent of schools of
7 the district if there be one. The superintendent to whom a sus-
8 pension is reported or if there be no superintendent in the district,
9 the teacher or principal suspending the pupil *shall report the sus-*
10 *pension to the board of education of the district at its next regular*
11 *meeting. Such teacher, principal or superintendent may reinstate*
12 *the pupil prior to the second regular meeting of the board of edu-*
13 *cation of the district held after such suspension*[, otherwise such
14 superintendent, principal or teacher, as the case may be, shall
15 report the suspension to the board at such meeting] *unless the*
16 *board shall reinstate the pupil at such first regular meeting.*

1 15. Section 18A:54-31 of the New Jersey Statutes is amended
2 to read as follows:

3 18A:54-31. Whenever a board of education of a county voca-
4 tional school district shall decide that it is necessary to raise money
5 for any capital project, as defined in section 18A:21-1 of this Title,
6 it shall prepare and deliver to each member of the board of school

7 estimate a statement of the amount of money estimated to be neces-
8 sary for such purpose or purposes.

9 The board of school estimate shall fix and determine the neces-
10 sary amount and shall make 2 certificates thereof, one of which
11 certificates shall be delivered to the board of education and the
12 other to the board of chosen freeholders of the county in which the
13 school district is situate.

14 The board of chosen freeholders may appropriate such amount
15 as other appropriations are made by it, and the amount shall be
16 raised, assessed, levied, and collected at the same time and in the
17 same manner as moneys appropriated for other purposes in the
18 county are raised, assessed, levied, and collected; or the board of
19 chosen freeholders may appropriate and borrow such amount for
20 the purpose or purposes aforesaid, and secure the repayment of
21 the sum so borrowed, together with interest thereon, by the issuance
22 of bonds or notes of the county pursuant to the local bond law,
23 notwithstanding any debt [or] limitation or requirement for down
24 payment therein provided for. The proceeds of the sale of such
25 obligations shall be paid to the treasurer of the county vocational
26 school district and shall be paid out by him only on the warrants
27 or orders of the board of education of the school district. The
28 treasurer shall in no event disburse such proceeds, except to pay
29 the expenses of issuing and selling such obligations and for the
30 purpose or purposes for which such obligations were issued. If
31 for any reason any part of such proceeds are not applied to or
32 necessary for such purpose or purposes, the board of education of
33 the county vocational school district may transfer the balance re-
34 maining unapplied to the capital outlay account of the school
35 district.

1 16. Section 18A:58-15 of the New Jersey Statutes is amended
2 to read as follows:

3 18A:58-15. The sums payable as State aid to the school districts
4 and county vocational schools shall be payable in each school
5 year, $\frac{1}{4}$ on October 1, $\frac{1}{4}$ on **[January]** *December* 1, $\frac{1}{4}$ on March 1
6 and $\frac{1}{4}$ on May 1. Payments shall be made by the State Treasurer
7 to each board of education upon certificate of the commissioner
8 and warrant of the Director of the Division of Budget and Ac-
9 counting.

1 17. Section 18A:71-12 of the New Jersey Statutes is amended
2 to read as follows:

3 18A:71-12. The State Scholarship Commission shall provide for
4 the conduct of annual competitive examinations for State com-
5 petitive scholarships. On the basis of the scholastic records and

6 the results achieved on the required examinations the commission
7 shall award scholarships to qualified applicants for whom financial
8 need has been established, except that the commission shall give
9 preference to any qualified applicant who is the son or daughter
10 of a policeman or fireman who died on or after January 1, 1961 as
11 the result of injuries received in the performance of his duties.

12 "Policeman or fireman," as used herein shall mean any member
13 of the State Police, *any volunteer or exempt fireman*, any perma-
14 nent full-time active uniformed employee, and any active permanent
15 and full-time employee who is a detective, lineman, fire alarm
16 operator or inspector of combustibles, of any police or fire depart-
17 ment of a municipality or a fire department of a fire district located
18 in a township or a county police department in this State.

1 18. This act shall take effect immediately.